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## Executive Summary

In 1997, the Louisiana Legislature created the Council on Automobile Insurance Rates and Enforcement (C.A.I.R.E.) to undertake a comprehensive study and provide oversight and recommendations aimed at enforcement of those laws and programs that affect automobile insurance rates. LRS 22:15 states that “the Council **shall** submit to the governor, legislature, and the commissioner of insurance an annual report on their actions, studies, findings, and recommendations of those laws and projects affecting automobile insurance rates.” C.A.I.R.E. has researched and studied many ideas that have been beneficial in the area of lowering automobile insurance rates, including, but not limited to, the impoundment law, “No Pay, No Play”, stronger penalties for DWI, graduated licensing, automobile insurance checkpoints, and insurance fraud.

According to the Department of Insurance (DOI), when C.A.I.R.E. began studying automobile insurance rates and uninsured motorists in the state in 1997, an estimated one-third, or 30 percent, of Louisiana motorists did not carry mandatory automobile insurance coverage. C.A.I.R.E. is pleased to report that automobile insurance rates have decreased, and the DOI now estimates the number of uninsured motorists in the state to be approximately 22 percent. In December 2000, the Insurance Research Council (IRC) issued a report, *Uninsured Motorists, 2000*, that listed Louisiana as having an uninsured motorist rate of only 8%. The discrepancy between the two figures lies in the method uninsured motorists are calculated by the DOI and the IRC. However, regardless of which figure you choose to use, the trend is the same – the number of uninsured drivers on our roads and highways has decreased.

Louisiana’s automobile impoundment law has helped in the fight to reduce the number of uninsured motorists in the state. To date, almost 40,000 vehicles have been impounded because the motorist could not show proof of automobile insurance. The law is having its intended effect – to remove uninsured motorists off the roads. However, without all law enforcement agencies enforcing the law, the impoundment law will not reach its full potential.

In 2000, Louisiana raised its seat belt usage rate to 68.2 percent, which is an increase from the 1999 usage rate of 67 percent. This progress is the result of vigorous enforcement of Louisiana's primary seat belt law, which allows law enforcement to stop motorists and ticket them for not wearing a seat belt. Educating the public on the benefits of wearing a seat belt has also played a significant role in Louisiana's success. Mandatory seat belt laws exist for one reason - - to save lives.

In this report, C.A.I.R.E. addresses the problem of cellular phone use while driving, which affects the drivers' ability to properly respond to typical road hazards and difficult driving situations. Studies indicate that motorists who use cellular phones while driving run a 34 percent higher risk of being involved in a crash than do motorists who choose not use a cellular phone while driving. Cellular phone use while driving is a growing concern nationwide and should be further studied and researched.

Last, but certainly not least, is the issue of drinking while driving. The number of Louisiana citizens injured and killed in alcohol-related crashes is frightening, and more frightening is the number of repeat intoxicated drivers traveling on our roads and highways every minute of every day. Louisiana has passed tough drunk driving laws; however, without strict enforcement of those laws, the number of first-time and repeat offenders will never decrease. By allowing repeat offenders behind the wheel of a vehicle, we are putting innocent lives at risk. Louisiana must continue vigorous enforcement of existing DWI laws and broaden some laws to include other deadly combinations, such as drugged driving.

C.A.I.R.E. is dedicated to investigating and researching every possible way to lower automobile insurance rates and make roads and highways safer for the citizens of Louisiana. One factor remains constant - - ***enforcement*** is the key to bringing about change and lowering Louisiana's automobile insurance rates.



## **A Message From The Acting Commissioner of Insurance J. Robert Wooley**

In the 1999-2000 report, C. A. I. R. E. focused on enforcement and education as the key to obtaining a reduction in the number of crashes and fatalities occurring in Louisiana, lowering automobile insurance rates in the state, and reducing the number of uninsured motorists traveling on our roads and highways. C.A.I.R.E. realizes that not only is enforcement the key, but education of existing laws and new laws passed by the legislature to law enforcement, district attorneys, judges, and Louisiana's citizens is of the highest importance. It is only with knowledge of existing and new laws and their consequences will people more likely obey them.

The good news is that statistics indicate that Louisiana's uninsured population has decreased over the past several years. The Department of Insurance estimates the number of uninsured in Louisiana to be approximately 22%, down from the 30% estimate just three years ago. Reforms initiated by the Department of Insurance, such as "No Pay, No Play", automobile impoundment, insurance fraud, and graduated licensing have made a difference. Louisiana's impoundment numbers are on the rise, primarily because of increased enforcement in larger areas of the state; and over the past year, smaller cities and towns have followed the lead of larger cities in increasing enforcement of the law.

I am proud of the fact that in 2000, Louisiana's seat belt usage reached an all time high of 68.2%. Much of this success is a result of the passage of the primary seat belt law and vigorous education through the *Buckle Up America* campaign. Law enforcement's ability to stop and ticket someone for not complying with the seat belt law has increased compliance, as well as the vigorous efforts of the Louisiana Highway Safety Commission to educate the public on the safety and consequences of wearing and not wearing a seat belt.

Louisiana has many good laws already on the books, and the need to enforce these laws remains high. However, my staff continues to receive information about laws that are not being enforced. A law must be enforced in order to receive its intended effect and make a difference.

C.A.I.R.E. meets regularly to discuss various issues and looks forward to supporting initiatives that have the potential to lower Louisiana's automobile insurance rates and, at the same time, make Louisiana a safer place to live.

A stylized, handwritten signature in blue ink, consisting of a series of loops and a long horizontal stroke extending to the right.

J. Robert Wooley  
Acting Commissioner of Insurance

# **COUNCIL ON AUTOMOBILE INSURANCE RATES AND ENFORCEMENT**

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# APPENDICES

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# Where does the Automobile Insurance Premium Dollar Go?

*Private Passenger Automobile Insurance, 1998*  
*National Statistics*  
*Insurance Information Institute*

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<b>PREMIUMS (Earned):</b>		\$100.00
<b>CLAIMS:</b>		
Payments to injured persons:		
Medical	\$9	
Wage loss &		
other economic payments	\$1	
Pain & Suffering &		
other non-economic awards	\$6	
Lawyers' fees	\$12	
Other costs of settling claims	\$4	
Subtotal	\$32	
Payments for Damage to Cars (a)		
Property Damage Liability	\$16	
Collision Claims	\$16	
Comprehensive claims	\$9	
Other costs of settling claims	\$2	
Subtotal	\$43	
<b>Total Claims</b>	<b>\$75</b>	
<b>EXPENSES:</b>		\$ 26.00
Commissions & other selling expenses	\$17	
General expenses (costs of operations)	\$5	
State premium taxes, licenses and fees	\$2	
Dividends to policyholders	\$2	
Subtotal	\$26	
<b>Claims and Expenses Total:</b>	<b>\$101.00</b>	
<b>BOTTOM LINE:</b>		
Investment Gain		\$12
Pre-tax Income (\$100-\$101+\$12)		\$11
Federal Taxes		\$4
<b>AFTER-TAX PROFIT</b>		<b>\$7</b>

## **Other Facts**

- ❖ In 1998, claims accounted for \$75 of every \$100 earned in private passenger automobile insurance premiums in the United States.
- ❖ Lawyers' fees accounted for \$12 out of every \$100 in premiums. Of this, \$6 went to plaintiffs' attorneys and \$6 to defendants' attorneys.
- ❖ Automobile theft accounts for approximately \$2 of all comprehensive claims.

## **Automobile Insurance Rates Decline**

In 1999, automobile insurance rates dropped by 3.2% countrywide, which is only the second decline since 1973! This decline is a result of legislated reforms, competition between insurers, more skilled drivers on our roads and highways, safer vehicles, diminished tolerance for drunk and impaired driving, and anti-fraud efforts.<sup>1</sup>

However, the Insurance Information Institute (III) also states that “costs associated with settling automobile claims are on the rise” because of rising medical costs, larger jury awards and the barring of the use of generic parts in automobile repairs. These factors could force policyholders to pay more for their insurance in the future. Statistics indicate that medical inflation is up nearly 50% from three years ago and jury verdicts in vehicular crash cases are up 23%.<sup>2</sup>

## **Louisiana Automobile Insurance Reforms Paying Off!**

Overall, automobile insurance rates in Louisiana have declined and leveled off since 1997. According to the Louisiana Department of Insurance, automobile insurance rates are 3 to 4 percent lower today than they were in 1997. Reforms initiated during the 1997 legislative session, such as “No Pay, No Play” and the automobile impoundment law, have had a direct impact on premiums, especially on Uninsured Motorist (UM) coverage. This is a direct

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<sup>1</sup> Source: Insurance Information Institute

<sup>2</sup> Source: Insurance Information Institute



reflection of the fact that more people are complying with Louisiana law and purchasing automobile insurance.

**UM Coverage:** Uninsured/Underinsured motorist coverage pays benefits to you if your car is hit by a driver who has no insurance or too little insurance to pay for the full amount of your injuries.

# **Motor Vehicle Deaths and Fatality Facts**

## **Louisiana and Nationwide, 1999**

The leading cause of death among Americans ages 1-34 is motor vehicle crashes, which costs society in excess of \$150 billion per year. Several factors contribute to these facts including alcohol, speed, lack of seat belt use and many other driver behaviors. The United States Department of Transportation began recording information (crash type, vehicle type, road type, driver characteristics, and many other factors) on motor vehicle deaths in 1975.<sup>3</sup>

### **1999 Statistics**

- ❖ 37,043 fatal motor vehicles crashes occurred in the United States.  
**41,611 deaths occurred in these crashes.**
- ❖ 13 states had higher death rates in 1999 than in 1998.
- ❖ 15 states had the same death rates in 1999 to 1998.
- ❖ 23 jurisdictions recorded death rate decreases.

The motor vehicle death rate per 100,000 people is high among 16-24 year olds and people 80 years and older. Males also have a higher motor vehicle death rate per 100,000 people compared to females. Tables 1 and 2 list the states with the highest and lowest motor vehicle death rates per 100,000 people in 1999.<sup>4</sup> Louisiana is not listed as a state with the highest or lowest motor vehicle deaths per 100,000 people. Those states highlighted in blue indicate southern states.

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<sup>3</sup> Source: Insurance Institute for Highway Safety

<sup>4</sup> Source: Insurance Institute for Highway Safety

Table 1

<b>States With The Highest Motor Vehicle Deaths Per 100,000 People 1999</b>	
<b>State</b>	<b>Number of Deaths</b>
New Mexico	26
<a href="#">Alabama</a>	26
South Carolina	27
<a href="#">Mississippi</a>	33
Wyoming	39

Source: Insurance Institute for Highway Safety, Highway Loss Data Institute, 2000

Table 2

<b>States With The Lowest Motor Vehicle Deaths Per 100,000 People 1999</b>	
<b>State</b>	<b>Number of Deaths</b>
Massachusetts	7
District of Columbia	8
Hawaii	8
Rhode Island	9
New York	9
New Jersey	9
Connecticut	9
Washington	11
California	11
Maryland	11

Source: Insurance Institute for Highway Safety, Highway Loss Data Institute, 2000

Unfortunately, motor vehicle deaths among teenagers increased from 1998 to 1999. In 1999, 3,740 teenage males were killed in automobile crashes – an increase from 1998, when 3,649 teenage males were killed. Likewise, in 1999, 2,009 females were killed in automobile crashes – an increase from 1998, when 1,960 were killed. Table 3 shows teenage motor vehicle deaths from 1995-1999.

Table 3

<b>Teenage Motor Vehicle Deaths</b> <b>National</b> <b>1995-1999</b>					
	1995	1996	1997	1998	1999
Males	3,702	3,855	3,715	3,649	3,740
Females	1,970	1,963	2,014	1,960	2,009
<b>Total</b>	<b>5,675</b>	<b>5,819</b>	<b>5,730</b>	<b>5,610</b>	<b>5,749</b>

Source: Insurance Institute for Highway Safety, Teenage Motor Vehicle Deaths, Fatality Facts

Table 4 shows the number of fatal crashes, number of deaths and deaths per 100,000 people, in each state in 1999. In 1999, Louisiana had 817 fatal crashes, 924 deaths and 27 deaths per 100,000 people in the state. **Compared to other southern states, Louisiana's fatal crashes are the lowest.** Those states highlighted in blue indicate southern states.

Table 4

<b>Motor Vehicle Deaths</b> <b>1999</b>			
State	Fatal Crashes	Number of Deaths	Deaths per 100,000 People
Alabama	992	1,138	26
Alaska	70	76	12
Arizona	907	1,024	21
Arkansas	540	604	24
California	3,148	3,559	11
Connecticut	270	301	9
Delaware	91	100	13
District of Columbia	40	41	8
Florida	2,626	2,918	19
Georgia	1,314	1,508	19
Hawaii	90	98	8
Idaho	245	278	22
Illinois	1,295	1,456	12

Indiana	885	1,013	17
Iowa	428	490	17
Kansas	456	537	20
Kentucky	724	814	21
<b>Louisiana</b>	<b>817</b>	<b>924</b>	<b>21</b>
Maine	168	181	14
Maryland	548	590	11
Massachusetts	386	414	7
Michigan	1,245	1,382	14
Minnesota	567	625	13
Mississippi	832	927	33
Missouri	964	1,094	20
Montana	194	220	25
Nebraska	255	295	18
Nevada	307	350	19
New Hampshire	131	141	12
New Jersey	665	727	9
New Mexico	388	460	26
New York	1,426	1,548	9
North Carolina	1,350	1,505	20
North Dakota	92	119	19
Ohio	1,284	1,430	13
Oklahoma	617	739	22
Oregon	367	414	12
Pennsylvania	1,382	1,549	13
Rhode Island	85	88	9
South Carolina	944	1,065	27
South Dakota	136	150	20
Tennessee	1,152	1,285	23
Texas	3,105	3,518	18
Utah	318	360	17
Vermont	82	90	15
Virginia	794	877	13
Washington	572	634	11
West Virginia	354	395	22
Wisconsin	675	745	14
Wyoming	162	189	39
<b>U.S. Total</b>	<b>37,043</b>	<b>41,611</b>	<b>15</b>

Source: Insurance Institute for Highway Safety, Highway Loss Data Institute, 2000

Table 5

<b>Motor Vehicle Deaths As A Percent of All Deaths Nationwide 1998 (<i>latest data available</i>)</b>			
<b>Age</b>	<b>Male</b>	<b>Female</b>	<b>All</b>
<5	2	2	2
5-9	23	22	23
10-12	23	20	22
13-15	23	31	26
16-17	35	50	40
18-19	35	44	37
20-24	29	29	29
25-34	17	14	16
35-54	5	4	5
>=55	1	<1	1

Source: Insurance Institute for Highway Safety, Highway Loss Data Institute, 2000

Table 6

Traffic Fatalities Louisiana 1975-1999						
						1999
Louisiana	934	1,219	931	959	926	924
U.S.	44,525	51,091	43,825	44,599	41,501	41,611

Source: Fatality Analysis Reporting System (FARS)

Table 7

Traffic Fatalities Percent Change Louisiana 1975-1999					
	1975-1980	1980-1985	1985-1990	1975-1999	1998-1999
Louisiana	+31	-24	+3	-1	-0
U.S.	+15	-14	+2	-7	+0

Source: Fatality Analysis Reporting System (FARS)

## **California Low Cost Automobile Insurance Program *A Solution for Louisiana?***

In October 1999, Governor Gray Davis of California, signed two bills into law authorizing low cost automobile insurance pilot programs (CAARP-California Assigned Risk Plans) to provide automobile insurance for motorists unable to obtain coverage in the private market due to their driving records or other extraordinary circumstances. The program is only available for residents of San Francisco and Los Angeles Counties. The California Automobile Assigned Risk Plan runs the program, in order to find car insurance for problem drivers, who would have difficulty getting it otherwise. The two county pilot programs became fully operational on July 1, 2000.<sup>5</sup>

California law requires that owners of vehicles in the state show that they have coverage when they register with the Department of Motor Vehicles. However, as in Louisiana, many residents risk illegally driving without required insurance rather than pay high premiums.

- ❖ Nearly 1.8 million vehicles out of 6 million in Los Angeles lack insurance.
- ❖ Nearly 80,000 out of 412,000 in San Francisco lack insurance.

### **Criteria<sup>6</sup>**

In order to qualify for the program, a person must live in Los Angeles or San Francisco Counties. Other criteria include:

- ❖ Must live in a household that has a gross annual income equal to, or less than 150% of the federal poverty level.

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<sup>5</sup> Source: California Dept. of Insurance website, California Low Cost Automobile Insurance Program

<sup>6</sup> Source: California Dept. of Insurance website, California Low Cost Automobile Insurance Program



- ❖ Must be at least 19 years of age and have been continuously licensed to drive for three years preceding the date of application.
- ❖ Must have no more than one property-damage-only accident, in which the applicant was principally at fault, or one point for a moving violation on the applicant's driving record within three years preceding the date of application.
- ❖ Must not have had any at-fault accidents involving bodily injury or death, or California Vehicle Code convictions within three years preceding the date of application.

## **Policy Coverage<sup>7</sup>**

If all of the eligibility requirements for the program are met, the vehicle's value is also considered. If an automobile is valued at \$12,000 or less at the time of the purchase of the policy, the policy is required to provide the following coverage:

- ❖ \$10,000 liability for bodily injury or death to one person per accident caused by the applicant.
- ❖ Up to a maximum of \$20,000 liability of bodily injury or death to all persons in an accident caused by the applicant.
- ❖ \$3,000 for liability for damage to the personal property of others in an accident caused by the applicant.

## **Cost to the Consumer<sup>8</sup>**

The law also sets a single base rate for the low cost policy - \$50 in Los Angeles County and \$410 in San Francisco County. It allows only two low cost policies per household; therefore, only two cars can be covered by the program. As long as the policyholder remains eligible, the policy is

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<sup>7</sup> Source: California Dept. of Insurance, California Low Cost Automobile Insurance Program

<sup>8</sup> Source: California Dept. of Insurance, California Low Cost Automobile Insurance Program

good for one year and may be renewed annually after that. The policy could be canceled for nonpayment of premiums or fraud.

### **Applications As of December 31, 2000<sup>9</sup>**

As of December 31, 2000, CAARP received 843 applications for the program. Of those assigned, 532 were in Los Angeles and 23 were in San Francisco.

Table 8

<b>Applications Assigned By Age of Insured</b>			
Under 30	30 - 49	50 - 69	70+
81	282	149	43

Source: *Annual Report to the California Legislature on the Status of the California Low Cost Automobile Insurance Program, January 2001*

### **Recommendation**

- ❖ C.A.I.R.E. recommends that Louisiana study the possibility of implementing a low cost automobile insurance pilot program in an area of the state (i.e. New Orleans) to provide coverage to those unable to obtain coverage in the private market due to their driving records or other extraordinary circumstances.

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<sup>9</sup> Source: *Annual Report to the California Legislature on the Status of the California Low Cost Automobile Insurance Program, January, 2001.*



## Defensive Driving

*U.S. Interactive Communications, LLP* introduced their in-home, interactive video version of a driver's safety course to C.A.I.R.E. in November 2000.

In 1994, U.S. Interactive's (USI) Driver Safety Course became the first in-home defensive driving course in the nation, and USI has become the largest single provider of driver's safety courses in the state of Texas. The course has a 95% approval rating by its customer, has been recognized by the State Board of Education and Texas Education Agency ("TEA") as the "*most educationally effective defensive driving course in the State*" and is the only course in Texas to receive the prestigious Court Administration Award from the Judicial Council of California.<sup>10</sup>

### Advantages

In the states that utilize the program, several advantages have been recognized.<sup>11</sup>

1. USI's program creates a great learning atmosphere for participants with high quality and content.
2. USI has the ability to increase participation due to its easy access and availability. Drivers often do not exercise their option to enroll in a driver safety course due to their inability to complete a course within a scheduled time parameter, or due to family obligations, especially single parent households. The

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<sup>10</sup> Source: U.S. Interactive Communications, L.P., *U.S. Interactive*

<sup>11</sup> Source: U.S. Interactive Communications, L.P., *U.S. Interactive*

program allows for flexibility in student scheduling and 24-hour access to the course.

3. From an administrative viewpoint, USI's intensive video has substantially reduced labor intensity, increased control, and eased supervision by state regulating agencies.

### **How does the program work?<sup>12</sup>**

The "U.S.A. Driver Safety Course" includes 3 videotapes and a telephone/internet instruction card. The student who takes a course for ticket dismissal and/or driver point reduction purposes rents the tapes from a U.S. Interactive distributor (i.e. Blockbuster). The student must present his/her driver's license or permit with picture and I.D. to the distributor checkout person. While the checkout person is verifying student information, the student will complete an Enrollment Agreement.

The Enrollment Agreement's questions must be completed by the student without the assistance of their driver's license, which is in the checkout person's possession. Dual signature provisions at the bottom of the agreement will allow for signature check verification.

To initiate the program, the student rents the videos then must call a customer service representative via (800) number to register and log on. When the student logs on to the testing site for the first time, a date/time stamp, unknown to the user, is registered. This establishes a starting point for the timing of the overall course, which is mandated by each state. The student then begins viewing the tapes, with each one having a different significance for completion of the course. Anytime during the course, a student can stop and replay areas of the program as they please and also, have a (800) number that can be used for inquiries of any kind.

### **How does a student take test?<sup>13</sup>**

The student is guided through the course and after each segment the student is instructed to access a testing site either by telephone or via the

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<sup>12</sup> Source: U.S. Interactive Communications, L.P., *U.S. Interactive*

<sup>13</sup> Source: U.S. Interactive Communications, L.P., *U.S. Interactive*

World Wide Web. U.S. Interactive has recently developed an Internet system that only enhances the availability of the safety course. After the student logs on to either testing site, they then must follow the instructions and either dial the (800) number or log on to the Internet testing site. The student will then receive one validation question and one course validation question to validate user identification and participation. Both the (800) number and online validation techniques are identical; the only differences being that the quizzes are either administered by telephone or Internet.

Immediately following the validation questions are a series of content questions to be answered and confirmed by the student. The student has a certain amount of time to respond to the questions or else the questions are considered wrong. At the conclusion of this testing section, the date/time stamp (started at registration) allows the exact time allotted for the next section before allowing access to the next series of questions. This ensures that the student cannot fast-forward through the tape and simply answer the questions. Additionally, the questions are randomly shuffled from a database of over 500 questions to prevent any two students from receiving identical tests.

***U.S. Interactive's "U.S.A. Driver Safety Course" can present an option to Louisiana drivers that have never been used before. The program would bring several elements only available through the use of today's technology: improved retention levels, convenience, improved public perception, and the ease of administration.***

## **In Summary**

Multiple validation mechanisms ensure security and accuracy. Top-notch video quality provides high educational and entertainment value, which, leads to improved perception of driving safety programs in general. The student's ability to directly respond to the visual message ensures high retention levels. Mass distribution and 24 hour access provides for convenience, and also, using the award winning reporting systems, state agencies can save time and money in the administration of the program.<sup>14</sup>

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<sup>14</sup> U.S. Interactive Communications, L.P., *U.S. Interactive*

## **Recommendation**

- ❖ C.A.I.R.E. recommends that USI implement a pilot program in an area of the state and study its effectiveness over several years.

# **Driver Distraction and Cellular Phones**

## ***The Consequences Can Be Deadly***

Cellular phone popularity has reached new heights over the past decade. By November 2000, an estimated 100 million persons subscribed to cellular phone service – 1/3 of the U.S. population!<sup>15</sup> (Insurance Research Council)

The cellular industry has helped revolutionize the way in which Americans conduct both business and personal affairs. This growth in the wireless communications industry has been accompanied by a growing concern for the hazards that using these devices may cause. Although using a cell phone may be a great way to make use of time in the car, there is a deadly side: the use of cellular phones affects the drivers ability to properly respond to typical road hazards, as well as difficult driving situations.

In 1996, a study conducted from Rochester, New York showed that people with cellular phones in their cars run a 34% higher risk of having a crash. A few countries, such as Brazil, Israel, Italy and certain states in Australia, have laws against using cellular phones while driving.<sup>16</sup>

**The cellular industry has a growth rate of approximately 40% per year.**  
*National Highway Traffic Safety Administration*

### **Three Kinds of Driving Distractions**

Human Factors experts believe that there are basically three kinds of driving distractions: *visual, mechanical, and cognitive*.<sup>17</sup> The use of a cellular phone incorporates all three of those demands.

***Visual:*** looking away from the roadway.

***Mechanical:*** manipulation to control – dialing a cellular phone or adjusting a radio can often be associated with a visual distraction.

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<sup>15</sup> Source: Insurance Research Council

<sup>16</sup> Source: INSWEB, Special Report, Legislative Solutions

<sup>17</sup> Source: *An Education on Common Objections to Cell Phone Legislation*

***Cognitive:*** being lost in thought. An example would be traveling from point A to point B and then realizing that you are not sure how you got there or what happened in between.

The IRC released a report in December 2000, which states that 91% of those surveyed believe the use of cellular phones in cars distract drivers.

## **State Action**

In the United States, several states have attempted to enact laws limiting cellular phone use while driving, but no state has yet to pass a law. In 1999, 15 states considered proposals to restrict cell phone use, bringing the total to 22 states since 1995.<sup>18</sup> State policymakers must weigh the benefits of wireless technology against the evidence of the potential dangers of cell phones in automobiles.

Several local governments in Ohio, New York, New Jersey, Pennsylvania and Massachusetts have passed ordinances that ban talking on cellular phones while driving. Brooklyn, Ohio became the first jurisdiction in the nation to significantly restrict the use of cellular telephones in motor vehicles. The ordinance makes it a misdemeanor to use a cell phone while driving unless both hands are on the steering wheel. Exceptions are given to those using cell phones to call emergency crews and those who use the phone while the car is in the parked position. In Brookline, Massachusetts, a proposed ordinance states that violators could face fines as high as \$50 for a first offense and \$100 for a second offense. The law provides exceptions for hands-free phones.<sup>19</sup>

All states make reckless or careless driving illegal. California, Florida and Massachusetts impose minor restrictions on cellular telephones in automobiles. Table 9 shows those states that impose restrictions on the use of cellular phones.

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<sup>18</sup> Source: Policy.com, March 30, 2000

<sup>19</sup> Source: The Advocate, Baton Rouge, LA. Friday, November 17, 2000



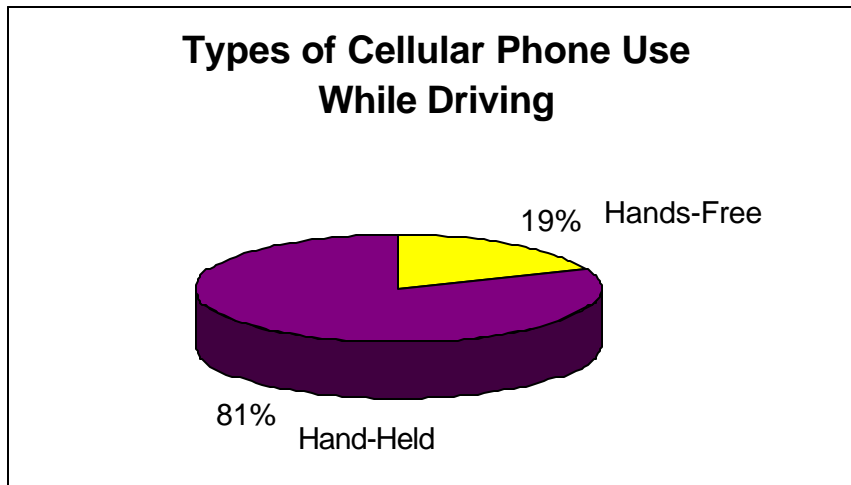
Table 9

<b>State Restrictions on the Use of Cellular Telephones</b>			
<b>State</b>	<b>Statute</b>	<b>Restriction</b>	<b>Penalties</b>
California	Vehicle Code 28090	Rental cars with cellular telephone equipment must include written operating instructions concerning safe use	\$100 maximum for first violation.  \$200 maximum for second violation.  \$250 for third and subsequent violations committed within one year.
Florida	FLS 316.304	Cellular phone use is permitted as long as it provides sound through one ear and allows surrounding sound to be heard with the other ear.	\$30 for each violation.  Non-moving violation.
Massachusetts	GLA 90-13	Cellular phone use is permitted as long as it does not interfere with the operation of the vehicle and one hand remains on the steering wheel at all times.	\$35 maximum for first violation.  \$35 to \$75 for second violation.  \$75 to \$150 for third and subsequent violations committed within one year.

Source: National Conference of State Legislatures *Cell Phones and Driving: 1999 State Legislative Update*, August 1999.

Although many of the laws enacted provide for the exception for hands-free phones, the IRC reported in December 2000 that 81% of drivers utilizing cellular phones “sometimes” while driving use hand-held devices, while only 19% use a hands-free device.

Chart 1



Source: Insurance Research Council

## Federal Action

The federal government has not acted to limit the use of cellular phones in vehicles.

## Employment Policies

Some employers ban their employees from using a cellular phone while driving, while others are providing employees with safety tips and training. Employers are implementing such policies because of the increase in employees using cellular phones while driving and the companies fear of being held liable for a crash.<sup>20</sup>

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<sup>20</sup> Source: USA Today, Tech Reviews, *Workers told to stay off cell phones*.

## Research

Several studies on the safety of operating cellular telephones while driving have pointed out that it is difficult to obtain accurate data to gauge the actual effect of cellular telephone use on vehicle safety because not many people will admit they caused an accident because they were talking on the telephone.

### Summary of studies

*Association Between Cellular Telephone Calls and Motor Vehicle Collisions* (University of Toronto, February 13, 1997)

- ❖ The research was based on a study of 699 drivers with cellular phones who were involved in car crashes. This study found that those who talk on the telephone while driving were four times more likely to crash than their silent counterparts – or about the same increase in the risk involved in driving with a blood-alcohol level at the legal limit.

*An Investigation of the Safety Implications of Wireless Communications in Vehicle* (NHTSA)

- ❖ Available evidence adequately supports the conclusion that cellular telephone use while driving increases the risk of a crash. NHTSA also states that the data is not conclusive enough to determine how much the risk is increased.

### Efforts of the LHSC

The Louisiana Highway Safety Commission (LHSC), in the 2001 Regular Session of the Louisiana Legislature, will request the creation of a task force to be known as the *Task Force on Driver Distractions*. The purpose of the task force will be to study and make recommendations concerning the issue of highway safety and driver distractions, including communications technology.

Below are a several questions asked in a poll conducted by the National Highway Traffic Safety Administration regarding the use of cellular phones while driving.<sup>21</sup>

❖ **Is it safe to talk on a cell phone while driving?**

<i><b>Response</b></i>	<i><b>Number</b></i>	<i><b>Percentage</b></i>
Yes	238	22%
No	801	75%
Don't Know	30	3%
# of Votes	1069	

❖ **Under which conditions would you feel it safe to use a cell phone?**

<i><b>Response</b></i>	<i><b>Number</b></i>	<i><b>Percentage</b></i>
Anytime while driving	53	7%
When driving under Light traffic (open road)	213	29%
Never safe to use a Cell phone while driving	466	64%
# of Votes	732	

❖ **Do you use a hands-free or hand-held cell phone while driving?**

<i><b>Response</b></i>	<i><b>Number</b></i>	<i><b>Percentage</b></i>
Yes, Hands-free	60	10%
Yes, Hand-held	109	19%
Hand-held	43	8%
Own, but don't use While driving	167	29%
Don't own	194	34%
# of Votes	573	

❖ **If you use a "hands-free" phone while driving, how often do you use it in your vehicle in its hands-free mode?**

<i><b>Response</b></i>	<i><b>Number</b></i>	<i><b>Percentage</b></i>
Frequently	59	18%
Sometimes	24	8%
Rarely	33	10%
Don't use while driving	204	64%
# of Votes	320	

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<sup>21</sup> NHTSA, Poll Results, *In-Vehicle Technologies: Experience & Research*.

❖ **How often do you receive calls when you drive?**

<b><i>Response</i></b>	<b><i>Number</i></b>	<b><i>Percentage</i></b>
Frequently	42	9%
Sometimes	85	18%
Rarely	156	32%
Never	199	41%
# of Votes	482	

❖ **Have you ever witnessed, or experienced a close call or crash resulting from a driver using a cellular phone or from your personal use with a cell phone?**

<b><i>Response</i></b>	<b><i>Number</i></b>	<b><i>Percentage</i></b>
Witnessed/experienced		
A crash	85	16%
Witnessed/experienced		
A close call	346	64%
Never observed or		
Experienced either	109	20%
# of Votes	540	

❖ **Should states or local governments enact laws to restrict the use of cell phones while driving?**

<b><i>Response</i></b>	<b><i>Number</i></b>	<b><i>Percentage</i></b>
Yes	646	74%
No	196	22%
Don't Know	32	4%
# of Votes	874	

❖ **Have you changed how you use your cell phone in your vehicle because of a safety tip you saw or heard?**

<b><i>Response</i></b>	<b><i>Number</i></b>	<b><i>Percentage</i></b>
Yes	323	39%
No	211	25%
Don't use a cell phone	302	36%
# of Votes	836	

## **Recommendations**

- ❖ C.A.I.R.E. supports the creation of a task force to study the issue of safety and driver distractions.
- ❖ C.A.I.R.E. encourages that records be kept on the use of cellular telephones during a crash as part of the crash investigation process.
- ❖ C.A.I.R.E. encourages law enforcement officials to note cellular telephone use for moving violations (i.e. speeding). Such information could be used to note driver-vehicle behavior.

## **Drunk Drivers**

### ***They Are Still Out There***

Motor vehicle crashes are the leading cause of death for Americans ages 5 through 29 and motor vehicle crash injuries are a major health care problem in the United States. Alcohol-related crashes are a major portion of this problem. In 1998, alcohol was involved in 38 percent of fatal crashes and 7 percent of all crashes.<sup>22</sup>

**The economic cost of alcohol-involved crashes is approximately \$45 billion per year!**

NHTSA, *State Legislative Fact Sheet*, January 2000

### **Louisiana Statistics**

#### **Traffic Fatalities in 1999<sup>23</sup>**

❖ Total Fatalities:	924
Alcohol-Involved	
❖ No Alcohol:	497 or 54%
❖ Low Alcohol: (.01-.09)	101 or 11%
❖ High Alcohol: (BAC $\geq$ .10)	326 or 35%
❖ Any Alcohol: (BAC $\geq$ .01)	427 or 46%

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<sup>22</sup> National Highway Traffic Safety Administration

<sup>23</sup> National Highway Traffic Safety Administration

## **National Statistics<sup>24</sup>**

- ❖ In 1999, 15,786 people died in alcohol-related crashes.
- ❖ In 1998, 16,020 people died in alcohol-related crashes.
- ❖ Alcohol was involved in 38 percent of all fatal crashes in 1999.
- ❖ There is an alcohol-related traffic fatality every 33 minutes.
- ❖ Forty-three states and the District of Columbia have laws that hold liquor servers liable for the damage a drunk driver causes.
- ❖ Death caused by drunk driving is a felony in 37 states.
- ❖ High courts in at least six states have upheld murder convictions in cases where it was proven that drunk drivers showed willful disregard for human life.
- ❖ Twenty states and the District of Columbia have strengthened the legal definition of drunk driving by changing the standard from .10 BAC to .08 BAC.
- ❖ Forty-one states and the District of Columbia allow a driver's license to be seized when his/her BAC is over the specified level that defines driving while intoxicated, or when the driver refuses to take a BAC test.
- ❖ Thirty-three states and the District of Columbia have passed open container laws.
- ❖ The Insurance Institute for Highway Safety has reported that ignition interlock devices reduced the risk of alcohol traffic violations by 64 percent during the first year they were required.
- ❖ The NHTSA reported that minimum drinking age laws saved an estimated 19,121 lives since 1975 and the laws have reduced traffic fatalities among 18-20 year old drivers by 13 percent.

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<sup>24</sup> Source: Insurance Information Institute



- ❖ All 50 states and the District of Columbia have set lower BAC levels for under-21 drivers.
- ❖ Thirty-nine percent of fatally injured drivers on weekends in 1999 had BACs at or above 0.10 percent. On other days of the week, the proportion was 21 percent.

**The chance of a DWI violator being arrested is as low as 1 in 2000!**

National Highway Traffic Safety Administration

## **0.08 BAC**

### **What is Blood Alcohol Concentration (BAC)?**

Blood alcohol concentration describes the concentration of alcohol in a person's blood expressed as weight per unit of volume.

At 0.10 percent BAC, there is a concentration of 100 mg of alcohol per 100 ml of blood.

### **The Case for 0.08 BAC**

In October 2000, President Clinton signed a bill, the Fiscal Year 2001 Transportation and Related Agencies Appropriations Act, reauthorizing highway funding that includes a provision that imposed sanctions on states that do not lower the blood alcohol level defining drunk driving from 0.10 to 0.08. The law mandates that states that do not lower the BAC to 0.08 by October 2003 will forfeit federal highway funds beginning in fiscal year 2004. By implementing the lower BAC, the expectation is that 500 lives a year will be saved once all states have adopted the lower BAC.<sup>25</sup> (Insurance Information Institute).

Laboratory and other research indicate that the majority of drivers are impaired at 0.08 BAC with regard to critical driving skills such as braking, steering, lane changing, judgment and divided attention.

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<sup>25</sup> Source: Insurance Information Institute

The risk of being involved in a crash increases at 0.08 BAC. Studies have shown that the average 170-pound male would have to consume more than four beers within one hour on an empty stomach to reach 0.08 BAC. The average 137-pound female would have to consume three beers within a one hour period on an empty stomach to reach 0.08 BAC.<sup>26</sup>

## **Louisiana and 0.08 BAC**

In 1997, alcohol-related crashes in Louisiana cost the public more than \$2 billion. The average alcohol-related fatality in Louisiana cost \$2.8 million; \$1.1 million in monetary costs and \$1.7 million in quality of life losses. **Alcohol-related crashes have a great impact on automobile insurance rates in the state, accounting for approximately 13% of Louisiana's automobile insurance payments.** Reducing alcohol-related crashes by 10% would save Louisiana's policyholders \$60 million.<sup>27</sup>

## **Recommendation**

- ❖ C.A.I.R.E. recommends that Louisiana strengthen the legal definition of drunk driving by changing the standard from 0.10 BAC to 0.08 BAC.

## **Sobriety Checkpoints**

Sobriety checkpoints involve the stopping of every vehicle or a specific sequence of vehicles at a predetermined, fixed location to detect impaired drivers. Checkpoints maximize the general deterrent effect and increase the perception that motorists who operate a vehicle while impaired by alcohol will be apprehended.<sup>28</sup>

**The U.S. Supreme Court held in 1990 that properly conducted sobriety checkpoints are legal under the federal Constitution.**

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<sup>26</sup> Source: National Highway Traffic Safety Administration

<sup>27</sup> Source: National Highway Traffic Safety Administration

<sup>28</sup> Source: National Highway Traffic Safety Administration

The Louisiana Supreme Court issued a ruling July 6, 2000 that both validated the use of automobile insurance checkpoints by law enforcement and reversed an earlier ruling concerning checkpoints related to drunk driving. The ruling established specific guidelines that must be followed in order to hold a valid checkpoint.

The guidelines included the following requirements:<sup>29</sup>

- ❖ The location, time and duration of a checkpoint should be in writing and must be established by a supervisory or other administrative personnel rather than field officers.
- ❖ There must be advance warning to the approaching motorists of the stop in the form of signs, flares or other means.
- ❖ A motorist can be detained only for a “minimal length of time.”
- ❖ “Systematic nonrandom criteria” for stopping motorists must be used.

The Louisiana Supreme Court overturned the ruling that disallowed DWI checkpoints in Louisiana. DWI checkpoints have allowed states such as North Carolina to significantly lower the injuries and fatalities caused by drunk drivers in their state.

After the Supreme Court ruling, Troop B, which encompasses the Greater New Orleans area, was the first law enforcement agency to conduct a DWI checkpoint. The checkpoint, held on September 3, 2000, resulted in 225 vehicles being stopped, 20 field sobriety tests were administered, and 3 people were arrested on DWI charges.

## **Effectiveness of Sobriety Checkpoints**

State Police have conducted four checkpoints since the start of the campaign. The officers have checked over 2,000 vehicles and administered 153 sobriety tests, resulting in 24 DWI arrests.

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<sup>29</sup> Source: National Highway Traffic Safety Administration, *Use of Sobriety Checkpoints for Effective Impaired Driving Enforcement*

The New Orleans Police Department has held two checkpoints. They stopped 268 vehicles, administered 17 sobriety tests, resulting in 5 DWI arrests.

**NHTSA estimated that enforcement of Louisiana's BAC limit with sobriety checkpoints would reduce alcohol-related fatalities by at least 15% and save \$53,600 per checkpoint.**

An effective sobriety checkpoint program consists of the following:<sup>30</sup>

- ❖ Ongoing program and departmental policy for deterring impaired driving
- ❖ Judicial support
- ❖ Site selection, appropriate warning devices, and visible police authority
- ❖ Chemical testing capabilities
- ❖ Contingency planning and operation briefings
- ❖ Comprehensive public information and education programs
- ❖ Extensive training on the latest detection and investigation techniques
- ❖ Comprehensive data collection and an evaluation plan

The National Commission Against Drunk Driving reports that 39 states and the District of Columbia allow law enforcement to hold sobriety checkpoints.

## **Saturation Patrols**

State Police conducted saturation patrols from July 1, 2000 to December 19, 2000. In just over 6 months, State Police logged over 4,783 overtime hours patrolling; made 361 DWI arrests and administered 651 field sobriety tests. They had 274 people submit to a chemical test, while 106 people refused the test. The average BAC was 0.146.

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<sup>30</sup> Source: National Highway Traffic Safety Administration, *Use of Sobriety Checkpoints for Effective Impaired Driving Enforcement*

## Checkpoint Tennessee

The Tennessee Highway Patrol has shown that they can substantially reduce the incidences of alcohol-related fatal crashes and increase the use of occupant restraints by conducting sobriety checkpoints. These checkpoints are accompanied by great publicity.

Between April 1, 1994 and March 31, 1995, law enforcement officers conducted almost 900 checkpoints, covering every county in Tennessee. Over 140,000 drivers in the state passed through these checkpoints. The program resulted in nearly 800 arrests for driving under the influence of alcohol, 1,500 citations for safety belt or child restraint violations, over 7,000 citations for other traffic and vehicle offenses, and 300 other arrests for drug violations, stolen vehicles, and weapons violations.<sup>31</sup>

In 1995, an analysis of crash data recorded sequentially over time indicated a 20 percent reduction in impaired driving fatal crashes over the 21-month observation period. This is a reduction of about 9 impaired driving fatal crashes per month and over 180 lives saved.<sup>32</sup>

## Targets of Opportunity Grant

The National Highway Traffic Safety Administration's Impaired Driving program is designed to reduce alcohol-related traffic fatalities to no more than 11,000 by the year 2005. The Impaired Driving program's goal is to keep the motoring public safe on our highways.<sup>33</sup>

As part of the Impaired Driving program, NHTSA awarded \$1 million to five Targets of Opportunity states to demonstrate the effectiveness of highly visible enforcement initiatives. These five states include:

- ❖ Texas
- ❖ Tennessee
- ❖ **Louisiana**
- ❖ Georgia
- ❖ Pennsylvania

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<sup>31</sup> Source: National Highway Traffic Safety Administration, *Evaluation of Checkpoint Tennessee, 1/99*.

<sup>32</sup> Source: National Highway Traffic Safety Administration, *Evaluation of Checkpoint Tennessee, 1/99*.

<sup>33</sup> Source: Louisiana Highway Safety Commission, *You Drink & Drive. You Lose*.

These five states undertook public education activities to support the national *You Drink & Drive. You Lose* Campaign. This campaign focuses on national awareness about the deadly toll drinking and driving puts on communities in our nation. The campaign also generates a greater national urgency to stop the killing and injury on our highways as a result of drinking and driving. The campaign targets youth, 21 to 34 year olds, and repeat offenders.<sup>34</sup>

Four elements of the campaign include:

- ❖ Public education
- ❖ Public-private partnerships
- ❖ Strong legislation
- ❖ Highly visible enforcement

Partners include:

- ❖ Highway Safety
- ❖ Law enforcement
- ❖ Youth-oriented organizations
- ❖ Prosecutors
- ❖ Judges
- ❖ Health/medical
- ❖ Other diverse groups

### **Sniffing Flashlights** ***A New Weapon Against Drunk Drivers***

Law enforcement agencies around the country are now armed with a new weapon against drunk drivers – the PAS III Sniffer. This hand-held alcohol detection device is concealed in a flashlight for nighttime use or a clipboard for daytime stops. Law enforcement officers use the device to help single out drivers who warrant the additional standardized field sobriety testing.<sup>35</sup>

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<sup>34</sup> Source: Louisiana Highway Safety Commission, *You Drink & Drive. You Lose*.

<sup>35</sup> Source: National Traffic Law Center, *Between the Lines*, Volume 9, Number 3, Fall 2000

While standing eighteen to twenty-four inches away from the subject, an officer pushes a button on the device and it samples the air in front of and around the subject. The measurement can be taken in as little as four seconds.

Although the results are not admissible at trial, the device helps the officer decide whether or not there is a need to ask the driver to step out of the vehicle and administer a field sobriety test. This method of testing is safer for the officer and helps to improve the accuracy of arrests for DWIs.

During the 2000 holiday season, State Police in the New Orleans area used the flashlight, which Mothers Against Drunk Driving (MADD) obtained with a grant from the National Highway Traffic Safety Administration (NHTSA). The grant helped to purchase 20 flashlights.<sup>36</sup>

### **Alcohol and Youth Fatalities**

In 1998, the rate that young people died in alcohol-related crashes reached an all-time low. However, the challenge to reduce teenage alcohol-related fatalities continues to be difficult. In 1998, 6,168 young people died in motor vehicle crashes; 2,210 of these fatalities were alcohol-related.<sup>37</sup> (NHTSA)

Every state has now set 21 as the legal purchase and public possession age for alcoholic beverages and most have a .02 BAC limit for drivers under the age of 21. *NHTSA estimates that minimum drinking age laws have reduced traffic fatalities involving drivers 18-20 years old by 13 percent and have saved an estimated 19,121 lives since 1975!*

In 1999, 21 percent of drivers ages 15 to 20 who were killed in crashes were intoxicated as shown in Table 10. NHTSA also reported that the severity of a crash increases with alcohol involvement.

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<sup>36</sup> Source: The Advocate, Saturday, December 23, 2000. *State Police Use Flashlight That Tests Drivers for DWI.*

<sup>37</sup> Source: National Highway Traffic Safety Administration

Also, in 1999, 3 percent of 15-20 year old drivers involved in property-damage only crashes had been drinking; 4 percent of those involved in injury-only crashes had been drinking; and 21 percent of those involved in fatal crashes had been drinking.

However, the good news is that 15 to 20 year olds who were intoxicated and involved in fatal crashes between 1989 and 1999 dropped by 41 percent.<sup>38</sup>

Table 10

<b>Alcohol Involvement - Nationally Drivers 15-20 Years Old Fatal Crashes 1999</b>				
<b>Driver Status</b>	<b># of Drivers</b>	<b>Percentage with BAC levels</b>		
		<b>0.00</b>	<b>0.01-0.09</b>	<b>&gt;=0.10</b>
Surviving	4,614	86	7	7
Fatally Injured	3,561	71	8	21
Total	8,175	79	7	13

Source: National Highway Traffic Safety Administration, *Traffic Safety Facts 1999, Young Drivers*

<sup>38</sup> National Highway Traffic Safety Administration





## **Recommendation**

- ❖ Louisiana currently has a good law on the books – a minimum drinking age law for those under 21 years old. However, without strict enforcement of this law, the rate at which Louisiana's youth die and are injured in alcohol-related crashes will not decrease. C.A.I.R.E. encourages strict enforcement of the law and continued education of the deadly consequences associated with drinking and driving to youth and their parents.

## **Repeat Offenders**

Approximately 24 percent of DWI offenders in Louisiana are repeat offenders. Repeat offenders are people who drink and drive again and again; their attitude has not been changed by information or education; and many are not deterred by law enforcement or punishment. More frequently, repeat DWI offenders are older, white males with older vehicles who wear their seat belt less and have more rural crashes. According to studies done by Fatal Accident Reporting System (FARS), a driver with a prior DWI conviction has also been found to cause more fatal crashes and has a greater risk of being involved in a fatal crash.

## **Why do repeat offenders continue to drink and drive?**

In a study conducted for the National Highway Traffic Safety Administration (NHTSA) by Mid-American Research Institute, the most popular response by a repeat offender when asked why they were driving under the influence was that they thought that he/she was "OK" to drive. The second most popular response was that the person "just did not think about it." Other responses included loss of control of him/herself after drinking, that no one was available to drive, and that if he/she were careful, it would be OK.

A large percentage of the participants in the NHTSA study simply did not believe that were endangering themselves or others at the time of their offenses because they were under the impression that they were able to drive

safely. This attitude seems to be the overall consensus for all repeat offenders.

- ❖ Approximately one-third of all drivers arrested or convicted of a DWI each year are repeat offenders.
- ❖ Drivers with prior DWI convictions have a greater risk of fatal crash involvement.
- ❖ Many second and third-time convicted DWI offenders who had their licenses suspended accumulated traffic offenses or were involved in crashes during the suspension period.

Laws focusing on the repeat intoxicated driver are in four general categories. There are currently forty-four states that have laws that affect the vehicles or vehicle plates of offenders.<sup>39</sup> (NHTSA, State Legislative Fact Sheet, January 2000)

- ❖ **Licensing Sanctions:** Suspension or revocation of the license of repeat intoxicated drivers for a greater period of time than for first offenders.
- ❖ **Vehicle Sanctions:** Impound or immobilize the vehicles of repeat intoxicated drivers. Some states require the installation of an ignition interlock system on their vehicles, preventing the vehicle from starting if the driver's blood alcohol concentration is a set threshold. **Louisiana law requires a repeat offender to have an ignition interlock device installed in the vehicle.** There are thirty-seven states that have laws providing for ignition interlock devices for repeat and chronic DWI offenders.
- ❖ **Alcohol abuse:** Some states require that repeat intoxicated drivers undergo an assessment of their degree of alcohol abuse and/or undergo appropriate treatment.
- ❖ **Mandatory Sentencing:** Some states impose a mandatory minimum imprisonment and/or community service sentence on repeat offenders.

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<sup>39</sup> Source: National Highway Traffic Safety Administration, *State Legislative Fact Sheet, January 2000*.

Research shows that licensing sanctions, which prevent a substantial portion of repeat DWI offenders from driving, imposed under state administrative licensing revocation systems have resulted in reductions in alcohol-related fatalities of between 6 and 9 percent.

**Approximately one-third of all drivers arrested or convicted of DWI each year are repeat DWI offenders.**

*NHTSA, State Legislative Fact Sheet, January 2000*

## **How Do We Stop Repeat Offenders?**

Studies tell us that fines, jail and loss of license seem to be the consequences repeat DWI offenders fear most. First time offenders surveyed did not think that educational classes would stop DWI behavior. Participants also stated that community service not relating to drinking or DWI will not play a role in stopping DWI behavior.

Participants in the NHTSA study gave 47 suggestions that would deter DWI behavior. The top five suggestions were: jail, self-discipline, educational programs, self-help programs such as Alcoholics Anonymous and therapy/treatment/rehabilitation. Arrest and fines were ranked 12<sup>th</sup> and 13<sup>th</sup>, with vehicle impoundment and special license plates coming in 17<sup>th</sup> and 18<sup>th</sup>.

## **Summary**

There are a variety of reasons why people drink and drive, from the uncontrollable urge to drink heavily in an establishment that requires transportation by automobile, to the belief that drinking and driving is just part of a behavioral problem caused by an underlying psychological dysfunction. Due to the variety of reasons, there are also a variety of solutions, including: contact with a caring person, family involvement, personalized treatment plans, probation, confinement with treatment, and court mandates reassessments.

On a more simplistic note, educating drivers about the laws involving drinking and driving at an early stage, and reminding them of all the consequences may be a deterrent that is right under our noses. If more drivers are aware of exactly what is at stake when they drink and drive, they

may be less likely to become DWI offenders. But in order to really drive this point home, the law must be consistent and give equal punishment to all offenders.

### **Recommendation**

- ❖ C.A.I.R.E. recommends that the DWI law be modified to lower the limit of intoxication for repeat offenders. The current limit is 0.10 BAC, the same as for first-time offenders.

## **Open Containers**

Open Container laws “prohibit the possession of any open alcoholic beverage container and the consumption of any alcoholic beverage in the passenger area of a motor vehicle.”<sup>40</sup>

In 1998, the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) Restoration encouraged states to adopt open container laws. According to TEA-21, states were to have an open container law in place by October 1, 2000. States without this law by October 2000 had a portion of their federal-aid highway construction funds redirected into other state safety activities beginning in fiscal year 2001.

By the end of fiscal year 2000, 30 states and the District of Columbia complied with the terms of TEA-21. Table 11 shows the state’s with Open Container Laws.

### **Recommendation**

- ❖ C.A.I.R.E. recommends that the Louisiana Legislature strongly considers revisiting this issue, including making existing open container laws in the state uniform or implementing a statewide open container law.

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<sup>40</sup> Source: National Highway Traffic Safety Administration, State Legislative Fact Sheets, *Open Container Laws*.

Table 11

State's with Open Container Laws Year 2000	
State	✓ = has open container law
Alabama	✓
Alaska	
Arizona	✓
Arkansas	
California	✓
Colorado	
Connecticut	
Delaware	
District of Columbia	✓
Florida	✓
Georgia	
Hawaii	✓
Idaho	✓
Illinois	✓
Indiana	
Iowa	✓
Kansas	✓
Kentucky	✓
<b>Louisiana</b>	
Maine	✓
Maryland	
Massachusetts	
Michigan	✓
Minnesota	✓
Mississippi	
Missouri	
Montana	
Nebraska	✓
Nevada	✓
New Hampshire	✓
New Jersey	✓
New Mexico	
New York	✓
North Carolina	✓
North Dakota	✓
Ohio	✓
Oklahoma	✓
Oregon	✓
Pennsylvania	✓
Rhode Island	✓
South Carolina	✓

South Dakota	✓
Tennessee	
Texas	
Utah	✓
Vermont	
Virginia	
Washington	✓
West Virginia	
Wisconsin	✓
Wyoming	
Total # of State with Open Container Law	30 and the District of Columbia

*Source: Advocates for Highway and Auto Safety, State Highway Safety Law Chart, July 2000*

# Drugged Driving

Drivers enter our roads and highways everyday extremely impaired, and this impairment is not due to alcohol alone. Inhalants, Gamma Hydroxy Butyrate (GHB), Ketamine, Carisoprodol (Soma), Ecstasy (MDMA), and Herbal Ecstasy are just a few drugs that are giving law enforcement officers problems. These drugs are a problem for enforcement officers because a driver can be impaired on these drugs and not receive a DWI or equal punishment because Louisiana's DWI law is not broad enough to incorporate these drugs. Most of these drugs cause impairment that can far exceed the impairment caused by alcohol.

## Inhalants

According to the National Institute on Drug Abuse (NIDA), inhalants are substances that produce chemical vapors that can be inhaled to induce mind-altering effects. Inhalants are so popular because they are inexpensive and easily obtained. People are inhaling common items such as paint thinner, correction fluids, dry-cleaning fluids, gasoline, spray paint, hair spray, deodorant, and whipped topping dispensers in order to get high.

Within minutes of inhaling, the user experiences intoxication that is similar to that produced by alcohol. The alcohol-type effects may include slurred speech, loss of coordination, euphoria, and dizziness. Intoxication lasts for only a few minutes, and because of this, users repeatedly inhale, which can be dangerous and even deadly.<sup>41</sup>

## Types of Inhalants<sup>42</sup>

There are four categories of inhalants.

- **Volatile solvents:** liquids that vaporize at room temperature. Many include commonly used household and industrial supplies, such as paint thinners and removers, dry-cleaning fluid, degreasers, gasoline, glues, correction fluids, and felt tip marker fluids.

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<sup>41</sup> Source: National Institute on Drug Abuse

<sup>42</sup> Source: National Institute on Drug Abuse



- **Aerosols:** sprays that contain propellants and solvents. They include spray paints, deodorant, hair spray, vegetable oil sprays, and fabric protector sprays.
- **Gases:** medical anesthetics as well as gases. Medical anesthetics include ether, chloroform, halothane and nitrous oxide (laughing gas). Nitrous oxide is the most abused of any gas and can be found in whipped topping dispensers. Other gases are butane lighters, propane tanks and refrigerants.
- **Nitrites:** special class of inhalants. Nitrites act primarily to dilate blood vessels and relax muscles. Most other inhalants act on the central nervous system and alter mood, but nitrites are used primarily for sexual enhancers. Types of nitrites are cyclohexyl nitrite, which is found in room deodorizers; isoamyl nitrite, which is prescribed to heart patients for pain, and known as “poppers” on the street; butyl nitrite, which is an illegal substance also referred to as “poppers”.

Inhalants are a growing trend and the effects inhalants produce are similar to or greater than those produced by an alcoholic beverage. These intoxicating effects, combined with a vehicle, can be deadly, not only for the abuser, but also for anyone in their path.

## Club Drugs

Ecstasy, GHB, and Ketamine are just a few of the drugs being used in the nightclub, bar, and rave scene (NIDA). These drugs are bringing people to levels of impairment that is baffling law enforcement everyday.<sup>43</sup>

## Ecstasy

Ecstasy is a psychoactive drug with hallucinogenic and amphetamine-like properties. Many users confront problems similar to those who use amphetamines and cocaine. A user may become confused, depressed, have problems sleeping, severe anxiety and paranoia. Some of the physical problems may include muscle tension, involuntary teeth clenching, nausea,

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<sup>43</sup> Source: National Institute on Drug Abuse

blurred vision, and faintness. Long-term use can cause brain damage, which will result in memory loss and problems retaining thought.

## **GHB**

GHB is a central nervous system depressant that, until 1992, was sold over-the-counter in health food stores. GHB became very popularly known as the “Date-Rape Drug”, because it is colorless and odorless and can be easily slipped into the drink of an unsuspecting victim. It has been said that GHB is the fastest spreading drug today.

GHB’s effects are unpredictable, because it is very dose sensitive due to the fact that GHB is usually made in the homes of dealers or in makeshift laboratories and each batch is never exactly the same. Some users lose control of bodily functions and urinate or defecate on themselves. Others just simply pass out, or as ravers call it “carpeting out”. When a GHB user passes out, it is never known how long they will be unconscious, which can be very risky. If GHB is taken in smaller doses, it can cause head snaps, which are involuntary forward snaps of the head. Breathing may slow down to as few as 6 breaths per minute. GHB can also affect a user’s hearing, they may not be able to hear phones ringing, horns blaring or fire alarms while under the influence. Other side effects include delusions, depression, vertigo, hallucinations, seizures, amnesia and coma.<sup>44</sup>

GHB has many cousins, or analogs, that convert into GHB once in the body. These analogs include Gamma Butyrolacone (GBL), also known as Renewtrient, Revivarant, Blue Nitro, GH Revitalizer, Gamma G and Remforce; and 1,4 Butanediol (BD) which is also called Revitalize Plus, Serenity, Enliven, SomatoPro, Thunder Nectar, and Weight Belt Cleaner.<sup>45</sup>

GHB and its analogs are not just somebody else’s problem. In a recent report written by NIDA, it was said that the Louisiana State Medical Center/Charity Hospital in New Orleans has reported a significant increase in GHB overdoses. It was also reported that the New Orleans Police Department has seen an increase in the availability and use of GHB. Only a few states claiming that there is a significant problem were listed in this report, and Louisiana was one of these states.

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<sup>44</sup> Source: *GHB & Its Analogs: Secret Danger That Shouldn’t Be So Secret*, Trinka D. Porrata, March 2000

<sup>45</sup> Source: U.S. Food and Drug Administration

The federal government and many states within the U. S. have passed laws to help fight the war against GHB. In February of 2000, President Clinton signed H.R. 2130, which added GHB and all of its analogs, along with Ketamine to the schedule of controlled substances, making these drugs a Schedule I drug. Making GHB and Ketamine a Schedule I drug makes it a crime to possess, manufacture, or sell it and all of its analogs, which can be punishable with up to 20 years in jail. These drugs are categorized equally to marijuana and heroin. H.R. 2130 states that GHB has become “...a significant and growing problem in law enforcement” and “...law enforcement officials have been experiencing an increased presence of the drug in driving under the influence...” H.R. 2130 also states GHB takes the same path as alcohol, and the levels of impairment are equal to that inflicted by alcohol.

## Initiatives in Louisiana

Louisiana passed SB 144 during the 1999 Regular Session, listing GHB and its analogs as Schedule II drugs, and makes possession and distribution punishable with up to 20 years in prison. Other states have also followed the lead in fighting GHB. Table 12 shows how GHB is scheduled in Louisiana and other states.

Table 12

How GHB and Its Analogs Are Scheduled In Other States			
Schedule I	Schedule II	Schedule II	Schedule IV
Georgia	Florida	South Dakota	Tennessee
Rhode Island	California	Minnesota	Alaska
Hawaii	Indiana	New Jersey	North Carolina
Illinois	New Hampshire		Connecticut
Nevada	<b>Louisiana</b>		
Wisconsin			
Michigan			
Delaware			
Idaho			
Oklahoma			
Nebraska			
Alabama			
Arkansas			

Source: *GHB, The Stone Cold Truth*

\*\*\*Four states, Arizona, Texas, Colorado, and Massachusetts, have criminalized the sale and possession of GHB, its analogs and Ketamine, but have not scheduled it. These states, however, have placed these drugs in their high penalty group.

Using GHB while driving is not going to be easy to prosecute. It is in the blood for only 3 to 5 hours and in urine for up to 12 hours. However, with the law, it is possible. Louisiana has taken extra steps in stopping the distribution of GHB by passing SB 144, but has not taken steps regarding actually consuming the drug and driving. A broader DWI law making drugs such as GHB and its analogs while driving a car punishable, might be the solution Louisiana needs to stop people from driving under the level of impairment that these drugs inflict upon a person.

## **Ketamine**

Ketamine is a central nervous system depressant, which also has the possibilities of a “date rape” drug and whose popularity is growing in the rave scene. It is a rapid-acting general anesthetic, with hypnotic, analgesic and hallucinogenic properties. Both human and veterinary medical practices use it as a general anesthetic.

Although Ketamine has a more rapid onset and is less potent, its effects have been compared to phencyclidine (PCP). Ketamine gives its user the feeling of anything from weightlessness to out-of-body or near-death experiences.<sup>46</sup>

Due to the problems that Ketamine use have caused, it was added to the controlled substance list as a Schedule I drug. According to NIDA, Ketamine abuse has been reported nationwide. Veterinary supply sources in Minnesota, **Louisiana** and Michigan have reported that Ketamine was stolen from their facilities. **Three Ketamine deaths were reported to NIDA from the New Orleans area in 1998**, while the Detroit Poison Control Center reported six Ketamine contacts in 1999.

Ketamine is a potent drug, that if combined with an automobile, can be deadly. Again, our DWI law needs to make room for trends like Ketamine.

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<sup>46</sup> Source: National Institute on Drug Abuse

## **Carisoprodol**

Carisoprodol (Soma) is a muscle relaxer, which is being diverted, trafficked and abused. According to the Drug Enforcement Administration, Soma abuse is significant, widespread, and increasing. In a recent report by the Ninth Southeastern Conference on Prescription Drug Abuse, Soma was on the list of the top diverted prescription drugs.

Soma produces an alcohol-like affect, which can result in a seizure or coma. By itself, Soma causes dizziness and drowsiness, which can be intensified by alcohol.

Some states, such as Idaho, are considering making Soma and similar drugs a schedule IV drug, while Georgia, Hawaii, Kentucky, Massachusetts, New Mexico, and Oklahoma have already made it a schedule IV drug.<sup>47</sup>

## **The Point Is...**

Inhalants, Ecstasy, GHB, Ketamine and Carisprodol are not the only methods people are using to get high today; these are just examples of the growing trends. People find new ways to get high everyday -- bringing them to levels of impairment that far exceed the levels reached by alcohol. Louisiana needs to make room in current DWI laws to incorporate drugs, because people are being killed everyday by drivers impaired on substances other than alcohol.

California's DWI law is broad enough to incorporate drugs by prohibiting driving under the influence of alcohol, drugs, or a combination. Their law simply states that a drug is any substance that can impair one's ability to drive safely. They also specifically state that the fact that someone is prescribed a drug is not a defense.<sup>48</sup> Approximately 36 states have set up laws prohibiting drugged driving. Table 13 lists those states with drugged driving penalties.

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<sup>47</sup> Source: Los Angeles PD Drug Recognition Expert Unit

<sup>48</sup> Source: National Institute on Drug Abuse

Table 13

<b>Drugged Driving Penalties Other States</b>			
<b>State</b>	<b>Fine</b>	<b>Jail</b>	<b>License</b>
Alabama	\$250-\$1,000	Up to 1 year	Suspended 90 days
Arizona	Up to \$2,500	Up to 6 months	Suspended 90 days
Arkansas	\$150-\$1,000	1 day to 1 year	Suspended 90-120 days
California	\$390-\$1,000	96 hours-6 months	Suspended for 6 months
Colorado	\$300-\$1,000	5 days-1 year	Suspended 1 year
Connecticut	\$500-\$1,000	Up to 6 months	Suspended 1 year
Delaware	\$230-\$1,150	60 days – 6 months	Restricted 1 year
District of Columbia	Up to \$300	Up to 90 days	Restricted 6 months
Georgia	\$300-\$1,000	10 days – 1 year	Suspended 4 months – 1 year
Idaho	Up to \$1,000	Up to 1 year	Suspended 30 days – 1 year
Illinois	Up to \$1,000	Up to 1 year	Restricted 1 year
Indiana	Up to \$5,000	Up to 1 year	Suspended 90 days – 2 years
Iowa	\$500-\$1,000	Up to 1 year	Restricted 180 days
Kansas	\$200-\$500	2 days – 6 months	Suspended 30 days or restricted 330 days
Kentucky	\$200-\$500	2 days – 30 days	Restricted 90 days
Maine	Up to \$2,000	Up to 1 year	Suspended 90 days
Maryland	Up to \$500	Up to 2 months	Suspended 60 days

Mississippi	\$250-\$1,000	Up to 48 hours	Suspended 90 days– 1 year
Missouri	Up to \$500	Up to 6 months	Suspended 30 days
Montana	\$100-\$500	1 day – 60 days	Suspended 6 months
Nebraska	\$500	Up to 60 days	Restricted 6 months
Nevada	\$200-\$1,000	2 days – 6 months	Restricted 90 days
New Mexico	Up to \$500	Up to 90 days	Restricted 1 year
North Carolina	Up to \$2,000	14 days – 2 years	Restricted 1 year
North Dakota	Up to \$500	Up to 30 days	Suspended 91 days
Oklahoma	\$100 - \$500	Up to 6 months	Restricted 30 days
Rhode Island	\$100 - \$300	Up to 1 year	Suspended 3 – 6 months
South Carolina	\$200	2 – 30 days	Suspended 6 months
South Dakota	Up to \$1,000	Up to 1 year	Restricted 30 days – 1 year
Tennessee	\$350 - \$1,500	2 – 364 days	Restricted 1 year
Texas	Up to \$2,000	72 hours – 180 days	Suspended 90 days – 1 year
Utah	Up to \$1,000	Up to 6 months	Suspended 90 days
Virginia	Up to \$2,500	1 day – 1 year	Suspended 90 days
Washington	\$350 - \$5,000	1 day – 6 months	Restricted 6 months
Wisconsin	\$150-\$300	None	Suspended 6 – 9 months

Source: Citizens Against Drug Impaired Drivers

## **Recommendation**

- ❖ C.A.I.R.E. recommends that the DWI law be expanded to incorporate drugged driving.



## Elderly Drivers

As America ages, so do its drivers. In recent reports conducted by the Insurance Institute for Highway Safety, it has been found that people 65 years and older make up 13 percent of the population in the United States today. Those 70 years and older in the U.S. make up 9 percent of the total U.S. population, compared with 8 percent in 1989.<sup>49</sup> Drivers 75 years and older have also caused 17 percent of all motor vehicle deaths and elderly drivers have higher fatal motor vehicle crashes than any other age group except teenagers.<sup>50</sup>

Nearly half of the crashes caused by drivers 80 years and older occur in an intersection and involve more than one vehicle. Drivers up to the age of 50 have this same problem only 23 percent of the time. The highest pedestrian death rate per 100,000 people is also caused by drivers 80 years and older.

In 1999, 171,000 older individuals were injured in traffic crashes – or five percent of all people injured in traffic crashes throughout the year.<sup>51</sup> Table 14 shows motor vehicle deaths for people 65 years and older from 1995-1999.

Table 14

<b>Motor Vehicle Deaths People 65 Years and Older 1995-1999</b>				
<b>Year</b>	<b>Passenger Vehicles</b>	<b>Pedestrians</b>	<b>Other</b>	<b>Total</b>
1999	5,716	1,084	288	7,088
1998	5,882	1,176	230	7,288
1997	5,954	1,174	280	7,408
1996	5,691	1,210	212	7,113
1995	5,537	1,263	199	6,999

Source: National Highway Traffic Safety Administration

<sup>49</sup> Source: National Highway Traffic Safety Administration

<sup>50</sup> Source: Insurance Institute for Highway Safety

<sup>51</sup> Source: National Highway Traffic Safety Administration

Table 15

<b>Older Population Drivers Involved in Fatal Crashes 1999</b>			
	<b>Total</b>	<b>Age 70+</b>	<b>Percentage of Total</b>
Total	56,352	4,934	8.8
Male	40,900	3,340	8.2
Female	14,792	1,594	10.8

Source: NHTSA, FHWA, Population-Bureau of the Census

Table 16

<b>Older Population Driver Fatalities 1999</b>			
	<b>Total</b>	<b>Age 70+</b>	<b>Percentage of Total</b>
Total	25,210	3,307	13.1
Male	18,449	2,220	12.0
Female	6,755	1,087	16.1

Source: NHTSA, FHWA, Population-Bureau of Census

Table 17

<b>Older Population Total Traffic Fatalities 1999</b>			
	<b>Total</b>	<b>Age 70+</b>	<b>Percentage of Total</b>
Total	41,611	5,617	13.5
Male	27,973	3,169	11.3
Female	13,627	2,448	18.0

Source: NHTSA, FHWA, Population-Bureau of Census

Chart 3

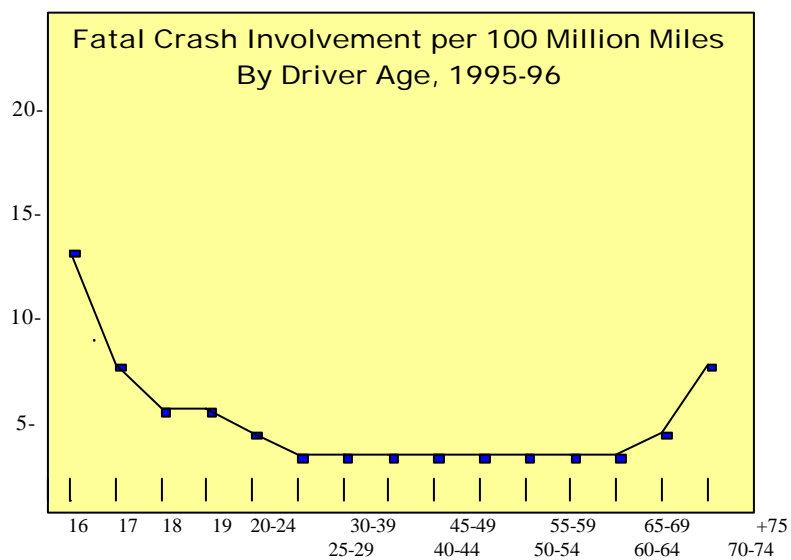


Table 18

<b>Fatal Crash Involvement Per 100 Million Miles By Driver Age 1995-1996</b>	
<b>Age</b>	<b>Crash Involvement</b>
16	13
17	8
18	6
19	6
20-24	4
25-29	3
30-34	2
35-39	2
40-44	1
45-49	1
50-54	2
55-59	2
60-64	2
<b>65-69</b>	<b>2</b>
<b>70-74</b>	<b>3</b>
<b>75+</b>	<b>8</b>

Source: Insurance Institute for Highway Safety, Highway Loss Data Institute, 2000

Older drivers involved in fatal crashes had the lowest proportion of intoxication of all adult drivers, as indicated in Table 19.

Table 19

<b>Drivers Involved in Fatal Crashes Age and Alcohol 1999</b>			
<b>Age Group (years)</b>	<b>Total</b>	<b>Intoxicated</b>	<b>Percentage Intoxicated</b>
<16	332	12	4
16-20	7,973	1,088	14
21-34	17,354	4,281	25
35-54	18,723	3,440	18
55-69	6,217	560	9
70+	4,934	181	4
<b>Total</b>	<b>56,352</b>	<b>9,818</b>	<b>17</b>

Source: National Highway Traffic Safety Administration, *Traffic Safety Facts 1999*,  
*Older Population*

## Current Laws

Thirteen states have already passed laws requiring more frequent testing for elderly drivers, and sixteen more states are in the process of passing the same type of legislation. In Washington, D. C., when a driver reaches 75 years of age, they may be required to take a written test and a road test before their license is renewed. Also, at age 70 or older, a driver may have to take a vision test and a reaction test, which will be submitted with a statement by a physician stating that they are physically and mentally capable of driving.<sup>52</sup>

Washington, D. C. also requires diabetics 70 years and older to be cleared by a medical review board before their license is renewed. Illinois and New Hampshire require renewals 75 years and older to be road tested. In Maine, Oregon, and Utah, vision tests are given to all elderly drivers.<sup>53</sup>

<sup>52</sup> Source: National Highway Traffic Safety Administration

<sup>53</sup> Source: National Highway Traffic Safety Administration

Many states, including Louisiana, do not allow elderly drivers to apply for driver's license renewal through the mail, but instead require them to renew their license in person at the Department of Motor Vehicles.

## **Survey Says...**

A recent telephone survey conducted by the Insurance Research Council (IRC) indicated that most people are in favor of testing elderly drivers. When asked about road testing drivers 70 years and older, 76 percent approved of the idea. Annual vision tests were approved by 89 percent of those surveyed. The survey also showed that a majority approved of training programs for the elderly, mandatory annual physicals, more left-turn signals at intersection, and larger road signs that are designed for easier reading.

## **On the Other Hand**

Many older drivers find the proposed testing to be discriminatory and some states have resisted additional testing for elderly drivers. Massachusetts, Minnesota and Florida have all agreed that age-based sanctions are discriminatory. In order to help elderly drivers, without discriminating against them, most of these communities are placing larger signs at confusing intersections.<sup>54</sup>

It has also been brought to attention that frequent testing of the elderly will bog down our already overwhelmed Department of Motor Vehicles offices.

## **The Fact Still Remains**

Researchers say that by the year 2020, one in every four drivers will be elderly people that live in the suburbs and live out of the reach of public transportation. Recent studies have also revealed an increase in fatal crashes caused by elderly drivers. These facts combined prove that this is an issue that must be addressed.

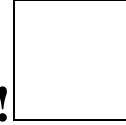
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<sup>54</sup> Source: National Highway Traffic Safety Administration

## **Recommendation**

- ❖ C.A.I.R.E. recommends that the State of Louisiana provide larger road signs at predominately heavy crash intersections.

## Use your head: Wear a Helmet!



Over the years, research has proven that *wearing* a helmet while operating a motorcycle or bicycle saves lives and protects against serious head and spinal cord trauma. The United States Department of Transportation's National Highway Traffic Safety Administration (NHTSA) supports the enactment of bicycle and motorcycle helmet usage laws. Studies from the U.S. Department of Transportation's Fatality Analysis Reporting System (FARS) show that in 1999, alone, there were over 3,200 fatalities and over 90,000 injuries due to bicycle and motorcycle crashes. Louisiana has no helmet laws at this time.

### Bicycles

*“Helmets make sense!”*

Presently in the U.S., there are a total of 18 states, including the District of Columbia, and 75 local municipalities with bicycle helmet laws. States with helmet laws of some kind are Alabama, California, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Maine, Maryland, Massachusetts, New Jersey, New York, Oregon, Pennsylvania, Rhode Island, Tennessee, and West Virginia.<sup>55</sup>

Several states have proposed, or are in the process of proposing legislation to enact bicycle helmet laws. These include Arizona, Colorado, Illinois, Iowa, Kansas, New Jersey (to raise the age limit from 13 to 17), North Carolina, Mississippi, Missouri, Montana, Nevada, New Mexico, Ohio, Texas, Vermont, Virginia, Washington and Wisconsin.<sup>56</sup>

**“The estimated cost of bicycle-related injuries and deaths (all ages) is \$8 billion.”**

*National Highway Traffic Safety Administration*

<sup>55</sup> Source: Bicycle Helmet Safety Institute

<sup>56</sup> Source: Bicycle Helmet Safety Institute

Statistics indicate that helmet usage laws have had an impact on annual injury rates in several states. New York and New Jersey have shown marked improvement since implementing helmet laws. New York reports that implementing its first helmet law in 1989 for passengers under the age of 5, and its second law in 1994 for riders under the age of 14, has cut the annual rate of cyclist hospitalized from bicycle-related brain injuries for those under the age of 14 from 464 in 1990 to 209 in 1995. The rate for cyclists 14 years old and older for the same years declined less rapidly, from 454 to 382.<sup>57</sup> Standards set by establishing laws for helmet usage has played a role in the reduction of injuries.

Table 20

<b>States With Helmet Laws</b>		
<b>State</b>	<b>Ages/Conditions</b>	<b>Effective Date</b>
Alabama	Under 16	1995
California	Passengers Under 5 Riders Under 18	1987 1994
Connecticut	Under 15	1993-1997
Delaware	Under 16	1996
District of Columbia	Under 16	2000
Florida (public property only)	Under 16	1997
Georgia	Under 16	1993
Hawaii	Under 16	1/1/2001
Maine	Under 16	1999
Maryland	Under 16	1995
Massachusetts	Passengers Under 5 Riders Under 14	1990 1994
New Jersey	Under 14	1992
New York	Passengers Under 5 Riders Under 14	1989 1994
Oregon	Under 16	1993

<sup>57</sup> Source: Bicycle Helmet Safety Institute



Pennsylvania	Passengers Under 5 Riders Under 12	1991 1995
Rhode Island	Under 9 Under 16	1996 1998
Tennessee	Under 12	1994
West Virginia	Under 15	1996

Source: Bicycle Helmet Safety Institute (BHSI)

New Jersey has done similar reporting on their law's impact and has shown improvement since its enactment. Since July 1997, when the helmet law was introduced for riders under 14, the number of bicycle-related fatalities for that age group fell by 60%, from 41 in 1987 - 1991 to 16 in 1992 - 1997.<sup>58</sup>

Florida also reported an increase in bicycle helmet use since passing their law and a decrease in injuries. In just one year, 1996-1997, Florida's usage rates increased for all ages from 19% to 47%. During that time, bicycle deaths dropped from 5 deaths to 1 death, and injuries fell from 325 injuries to 105 injuries.<sup>59</sup>

Other countries have also taken a stand on bicycle helmets. Australia, New Zealand and Canada have found that their helmet laws have helped decrease the amount of injuries and deaths. In Australia, bicycle helmets are mandatory in all states and territories. Canada has some provincial and local helmet laws and New Zealand's national helmet law took effect in January 1994.<sup>60</sup>

**"If 85 percent of all child bicyclists wore helmets every time they rode a bicycle for one year, the lifetime medical cost savings would total \$109 to \$142 million.**

*National Highway Traffic Safety Administration*

<sup>58</sup> Source: Bicycle Helmet Safety Institute

<sup>59</sup> Source: Bicycle Helmet Safety Institute

<sup>60</sup> Source: Bicycle Helmet Safety Institute

## Things To Remember

- ❖ During 1998 and 1999, there were over 1,500 bicycle deaths nationwide.
- ❖ Of the 750 deaths in 1999, 657 were male and 93 female.<sup>61</sup>
- ❖ Today there are an estimated 80.6 million riders, 43% of whom never wear helmets, and 7% of whom wear helmets less than half the time.
- ❖ 69 % of children under 16 wear a helmet on a regular basis while riding a bike, according to parents.
- ❖ 38% of adult bike riders regularly wear their helmets.
- ❖ 98% of bicyclists killed in 1998 were reportedly not wearing helmets.
- ❖ Helmets are needed because head injuries in bicyclists are noted in 65,000 emergency room cases, and 7,700 hospital admissions annually.<sup>62</sup>

## *Think First*

*Think First* is a national organization, whose mission is to prevent brain, spinal cord and other traumatic injuries through the education of individuals, community leaders and creators of public policy.

Recently, the Louisiana chapter finished a successful “Helmet Your Head 2000 Campaign.” The campaign was aimed at putting helmets on children in the Shreveport area through November. The program’s focus was helmet awareness and education on why someone should always wear protective gear. *Think First* gave away approximately 200 helmets and ten bikes during the campaign, all in an effort to reward children for wearing their helmets.<sup>63</sup>

## Recommendation

- ❖ C.A.I.R.E. recommends that Louisiana law mandate that children 12 years of age and younger wear helmets while riding a bicycle.

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<sup>61</sup> Source: Fatality Analysis Reporting System

<sup>62</sup> Source: John Hopkins Injury Prevention Center

<sup>63</sup> Source: *Think First, Helmet Your Head 2000 campaign*

## **Motorcycles and Helmet Use**

### ***“STATUS REPORT”***

In 1999, the Legislature passed Act 404, which allows any person over the age of 18 to ride a motorcycle without a helmet, provided they are covered by a health insurance policy with medical benefits of at least \$10,000 for bodily injury. The law drew several debates between activists from both sides. Supporters of Act 404 argued that motorcycle operators should have the choice of wearing or not wearing a helmet. Opponents argued that fatalities and major head injuries would drastically increase with the implementation of this law. Before Louisiana’s helmet law was repealed in August 1999, motorcycle riders wore helmets 99% of the time while riding. Current surveys indicate that motorcycle helmet use is 52% (LHSC).<sup>64</sup>

### **What has happened since Act 404 was enacted?**

The Legislature, before passing Act 404, assigned Colonel James Champagne and the Louisiana Highway Safety Commission the task of compiling statistics on motorcycle helmet-related deaths. Lawmakers requested that detailed records be kept on the number of motorcycle fatalities recorded annually and which fatalities can be attributed to not wearing helmets. Table 21 shows the number of motorcycle fatalities, with and without helmets, from August 15, 1999 through December 10, 2000.

Table 21

<b>Louisiana Motorcycle Fatality Facts August 15, 1999 through December 10, 2000</b>				
<b>Number of Fatal Crashes</b>	<b>Number of Fatalities</b>	<b>With Helmets</b>	<b>Without Helmets</b>	<b>Unknown</b>
<b>69</b>	<b>73</b>	<b>28</b>	<b>41</b>	<b>4</b>

Source: Louisiana Highway Safety Commission

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<sup>64</sup> Source: Louisiana Highway Safety Commission

## The Facts

According to the Louisiana Highway Safety Commission, between August 1999 and December 2000, 73 motorcycle riders have died.

- ❖ Of the 73 motorcycle fatalities, 41 (56.2%) were not wearing helmets.
- ❖ Of the 73 motorcycle fatalities, 23 (32%) died as a result of head injuries. Of the 23 motorcycle fatalities attributed to head injuries, only 5 (21.7%) motorcyclists were wearing helmets.

The following are statistics showing motorcycle fatalities in Louisiana for the years 1997-2000.<sup>65</sup>

- ❖ **2000:** Louisiana had 53 fatal motorcycle crashes; 57 fatalities from 53 crashes; 24 of the fatalities were wearing helmets; 30 of the fatalities were not wearing helmets; and in 3 of the fatalities it was unknown if riders were wearing helmets.
- ❖ **1999:** Louisiana had 39 fatal motorcycle crashes; 39 fatalities from 39 crashes; 21 of the fatalities were wearing helmets; 17 of the fatalities were not wearing helmets; and in 1 of the fatalities it was unknown if the rider was wearing a helmet.
- ❖ **1998:** Louisiana had 32 fatal motorcycle crashes; 32 fatalities from 31 crashes; 23 of the fatalities were wearing helmets; and 9 of the fatalities were not wearing helmets.
- ❖ **1997:** Louisiana had 18 fatal motorcycle crashes in Louisiana, 18 fatalities from 18 crashes, 13 of the fatalities were wearing helmets, 5 of the fatalities were not wearing helmets.

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<sup>65</sup> Source: Louisiana Highway Safety Commission

Table 22

<b>Motorcycle Fatalities Louisiana Year 2000</b>					
<b>Date</b>	<b>Parish</b>	<b>Helmet</b>	<b>No Helmet</b>	<b>Unknown</b>	<b>Total Fatalities</b>
1-Jan	East Baton Rouge	X			1
13-Jan	Orleans	X(passenger)	X(M/C operator)		2
6-Feb	Lafayette	X			1
18-Feb	LaFourche	X			1
20-Feb	Calcasieu	X			1
20-Feb	Caddo	X			1
25-Feb	Orleans		X		1
3-Mar	Jefferson	X			1
5-Mar	East Baton Rouge		X		1
10-Mar	Livingston		X		1
17-Mar	Jefferson	X			1
26-Mar	Jefferson		X		1
26-Mar	Livingston	X			1
31-Mar	Beauregard	X			1
1-Apr	St. Tammany		X		1
2-Apr	Jefferson	X			1
8-Apr	Orleans		X		1
9-Apr	St. John		XX(M/C operator & Passenger)		2
15-Apr	Calcasieu		XX(Neither M/C Operator Wore Helmet)		2
17-Apr	St. Tammany		X		1
21-Apr	Terrebonne		X		1
24-Apr	Ouachita	X			1
30-Apr	Orleans		X		1
6-May	Lafourche		X		1
11-May	Terrebonne		X		1

Date	Parish	Helmet	No Helmet	Unknown	Total Fatalities
25-May	St. Landry		X		1
27-May	W. Feliciana			X	1
5-Jun	Assumption		X		1
8-Jun	St. Mary			X	1
8-Jun	Caddo	X			1
8-Jun	Orleans		X		1
23-Jun	Orleans		X		1
27-Jun	St. John	X			1
5-Jul	West Baton Rouge	X			1
5-Jul	East Baton Rouge	X			1
15-Jul	Beauregard		X		1
25-Jul	Morehouse			X	1
26-Jul	St. Helena		XX(M/C Passenger & Passenger)		2
2-Aug	St. Tammany		X		1
13-Aug	Orleans		X		1
19-Aug	Ouachita	X			1
21-Aug	Jefferson	X			1
3-Sep	East Baton Rouge		X		1
19-Sep	Iberville	X			1
23-Sep	Natchitoches		X		1
30-Sep	Jefferson	X			1
2-Oct	East Baton Rouge		X		1
25-Oct	Iberia	X			1
28-Oct	Orleans	X			1
22-Nov	St. Tammany	X			1
9-Dec	Lafayette	X			1
9-Dec	Livingston		X		1
10-Dec	St. Tammany		X		1

Source: Louisiana Highway Safety Commission

Table 23

<b>Motorcycle Fatalities</b> <b>Louisiana</b> <b>August 15, 1999 - December 31, 1999</b>					
<b>Date</b>	<b>Parish</b>	<b>Helmet</b>	<b>No Helmet</b>	<b>Unknown</b>	<b>Total Fatalities</b>
22-Aug	Ascension		X		1
8-Sep	Webster		X		1
13-Sep	Lafayette		X		1
26-Sep	Calcasieu		X		1
28-Sep	St. Helena		X		1
1-Oct	St. Mary		X		1
3-Oct	Orleans	X			1
6-Oct	Terrebonne	X			1
17-Oct	Orleans		X		1
29-Oct	Morehouse		X		1
30-Oct	Orleans		X		1
9-Nov	Calcasieu		X		1
13-Nov	St. Martin		X		1
17-Nov	East Baton Rouge	X			1
1-Dec	Lafayette	X			1
23-Dec	Ascension		X		1

Source: Louisiana Highway Safety Commission

Table 24

<b>Motorcycle Fatalities Louisiana 1998</b>					
<b>Date</b>	<b>Parish</b>	<b>Helmet</b>	<b>No Helmet</b>	<b>Unknown</b>	<b>Total Fatalities</b>
21-Jan	Ascension	X			1
23-Jan	Calcasieu		X		1
25-Jan	East Baton Rouge	X			1
29-Jan	Iberia	X			1
30-Jan	East Baton Rouge	X			1
7-Feb	Livingston	X			1
21-Feb	St. Martin		X		1
25-Feb	Bienville				1
14-Mar	Livingston		X		1
20-Mar	Lafayette		X		1
19-Apr	Jefferson		X		1
19-Apr	Orleans	X			1
25-Apr	Orleans	X			1
11-May	Bossier	X			1
22-May	Rapides	X			1
1-Jun	St. Martin	X			1
3-Jul	East Baton Rouge	X			1
6-Jul	East Baton Rouge		X		1
12-Jul	Livingston	X			1
12-Jul	Jefferson	X			1
24-Jul	Rapides		X		1
9-Aug	Vernon		X		1
15-Aug	Iberia	X			1
16-Aug	St. Mary	X			1
29-Aug	Jefferson	X			1
3-Oct	Orleans	X			1



<b>Date</b>	<b>Parish</b>	<b>Helmet</b>	<b>No Helmet</b>	<b>Unknown</b>	<b>Total Fatalities</b>
9-Oct	Iberia	X			1
15-Oct	Jeff Davis		X		1
28-Oct	Livingston	X			1
3-Nov	Webster	X			1
26-Dec	Calcasieu	X			1
31-Dec	Vermilion	X			1

Source: Louisiana Highway Safety Commission

Table 25

<b>Motorcycle Fatalities Louisiana 1997</b>					
<b>Date</b>	<b>Parish</b>	<b>Helmet</b>	<b>No Helmet</b>	<b>Unknown</b>	<b>Total Fatalities</b>
8-Feb	Orleans	X			1
7-Apr	W. St. Charles	X			1
16-Apr	Orleans	X			1
17-Apr	W. Jefferson	X			1
30-Apr	Orleans	X			1
15-May	Orleans	X			1
16-May	Webster		X		1
20-May	St. Charles	X			1
25-May	Tangibahoa		X		1
1-Jun	LaFourche		X		1
2-Jun	East Baton Rouge	X			1
4-Jul	Ouachita	X			1
8-Jul	Richland	X			1
12-Jul	Lafayette		X		1
17-Aug	West Jefferson	X			1
10-Sep	St. Mary		X		1
23-Nov	Livingston	X			1
29-Dec	Ouachita	X			1

Source: Louisiana Highway Safety Commission



## **Impoundment Update**

One of the Department of Insurance's reform measures, automobile impoundment, aimed at lowering automobile insurance rates, has been in effect for over two years. During the 1997 Legislative Session, lawmakers passed the impoundment law enabling law enforcement agencies to immediately remove a vehicle from the roads when a motorist cannot show the law enforcement officer proof of automobile insurance.

Under Louisiana law, a motorist must carry liability coverage on any automobile owned that enters our roadways. This coverage pays for property damages or personal injury for which you may be legally responsible, up to your policy's dollar limits. In Louisiana, each vehicle is required to have 10/20/10 liability limits. Those limits provide payments of \$10,000 for bodily injury to one person, \$20,000 for bodily injury to more than one person in a single crash, and \$10,000 coverage for damage to someone else's vehicle or other property.

Two years have passed since the first automobile was towed and the law has proven, so far, to be capable of helping lower the amount of uninsured drivers. With the help of State Police, Sheriffs Departments, and City Police, Louisiana has impounded close to 40,000 uninsured vehicles since the law was implemented. The Department of Public Safety has supplied the Department of Insurance and C.A.I.R.E. with monthly updates and yearly reviews since the law was implemented.

Although the figures have shown great enforcement of the law, there are still a large amount of sheriff departments and municipalities that do not enforce the law. The impoundment law has helped promote the health, public safety and welfare of the driving public and has helped ensure that all motor vehicles that are registered and operating in Louisiana have the required motor vehicle liability insurance.

## **Recommendation**

- ❖ C.A.I.R.E. recommends that all law enforcement agencies enforce the automobile impoundment law. Enforcing the law would not only benefit those automobile drivers who already obey the law and are involved in a crash, but also would help reduce the number of uninsured vehicles on our roads and highways, thus lowering automobile insurance rates across the state.

Table 26

<b>Total Impounded Vehicles Louisiana October 1998 – December 2000</b>	
STATE POLICE	7837
SHERIFFS	6004
CITY POLICE	18097
<b>TOTAL</b>	<b>31938</b>

Source: Louisiana Department of Public Safety

Table 27

<b>Vehicles Impounded Sheriffs October 1998 — December 2000</b>	
Acadia	2
Allen	5
Ascension	248
Assumption	28
Avoyelles	0
Beauregard	1
Bienville	1
Bossier	0
Caddo	51
Calcasieu	112
Caldwell	5
Cameron	0
Catahoula	4
Claiborne	9
Concordia	0
DeSoto	6
East Baton Rouge	707
East Carroll	1
East Feliciana	4
Evangeline	0
Franklin	0
Grant	19
Iberia	0
Iberville	37
Jackson	15
Jefferson	2870
Jefferson Davis	2

Lafayette	114
Lafourche	83
LaSalle	1
Lincoln	6
Livingston	24
Madison	0
Morehouse	11
Natchitoches	0
Orleans	0
Ouachita	116
Plaquemines	123
Pointe Coupee	66
Rapides	2
Red River	2
Richland	0
Sabine	0
St. Bernard	331
St. Charles	194
St. Helena	0
St. James	122
St. John	164
St. Landry	1
St. Martin	62
St. Mary	7
St. Tammany	226
Tangipahoa	90
Tensas	0
Terrebonne	83
Union	0
Vermillion	3

Vernon	0
Washington	15
Webster	2
West Baton Rouge	29
West Carroll	0
West Feliciana	0
Winn	0
<b>Total</b>	<b>6004</b>

Source: Louisiana Department of Public Safety



Table 28

<b>Vehicles Impounded</b> <b>State Police</b> <b>October 1998 — December 2000</b>	
<b>Troop A</b> Baton Rouge Area	1329
<b>Troop B</b> Greater New Orleans Area	1561
<b>Troop C</b> Houma Area	730
<b>Troop D</b> Lake Charles Area	556
<b>Troop E</b> Alexandria Area	507
<b>Troop F</b> Monroe Area	505
<b>Troop G</b> Bossier City Area	568
<b>Troop I</b> Lafayette Area	902
<b>Troop L</b> Covington Area	904
Safety Enforcement	263
Capital Police	3
LSP-HQ	9
<b>Total</b>	<b>7837</b>

Source: Louisiana Department of Public Safety

Table 29

<b>Impounded Vehicles City Police October 1998 – December 2000</b>			
Abbeville	64	Bogalusa	221
Abita Springs	2	Bonita	4
Addis	8	Bossier City	268
Albany	1	Boyce	0
Alexandria	101	Breaux Bridge	23
Amite	19	Broussard	22
Anacoco	1	Brusly	5
Angie	7	Bryceland	0
Arabi	1	Bunkie	10
Arcadia	0	Calhoun	0
Arnaudville	0	Calvin	0
Ashland	0	Cameron	0
Atchafalaya Basin	2	Cankton	0
Athens	0	Campti	0
Atlanta	0	Carencro	23
Baker	224	Castor	2
Baldwin	3	Causeway Police	99
Ball	6	Chalmette	1
Barksdale AFB	1	Chataignier	0
Basile	0	Chatham	4
Baskin	3	Cheneyville	1
Bastrop	159	Choudrant	0
Baton Rouge	408	Church Point	0
Belcher	0	Clarence	0
Bienville	0	Clarks	0
Benton	3	Clayton	0

Bernice	0	Clinton	15
Berwick	9	Colfax	1
Blanchard	3	Collinston	2
Columbia	0	Eros	0
Convent	0	Estherwood	0
Converse	0	Evergreen	0
Cotton Valley	0	Euncie	16
Cottonport	9	Farmerville	2
Coushatta	6	Fenton	0
Covington	86	Ferriday	14
Crescent City	798	Fisher	2
Crowley	25	Florien	0
Cullen	0	Folsom	0
Delcambre	28	Fordoche	0
Delhi	7	Forest	0
Delta	0	Forest Hill	0
Denham Springs	201	Fort Polk	1
Dequincy	10	Franklin	41
DeRidder	2	Franklinton	17
Dixie Inn	14	French Settlement	2
Dodson	0	Georgetown	0
Donaldsonville	0	Gibbsland	3
Downsville	0	Gilbert	0
Doyline	2	Gilliam	0
Dry Prong	0	Glenmora	0
Dubach	0	Golden Meadow	24
Dubberly	0	Goldonna	0
Duson	2	Gonzales	166
East Hodge	0	Grambling	1
East Jeff Levee	35	Gramercy	62

Edgard	0	Grand Cane	0
Edgefield	0	Grand Couteau	0
Elizabeth	0	Grand Isle	0
Elton	3	Grayson	0
Epps	0	Greensburg	19
Erath	12	Greenwood	5
Gretna	645	Junction City	0
Grosse Tete	0	Kaplan	8
Gueydan	0	Kenner	720
Hahnville	0	Kentwood	4
Hall Summit	0	Kilbourne	0
Hammond	209	Killian	0
Harahan	54	Kinder	0
Harbor Police	22	Krotz Springs	0
Harrisonburg	0	Lafayette	864
Harvey	2	Lake Arthur	18
Haughton	6	Lake Charles	521
Haynesville	1	Lake Providence	0
Heflin	0	LaPlace	0
Henderson	2	Leatchie	0
Hessmer	3	Lecompte	0
Hodge	8	Leesville	19
Holly Beach	0	Leonville	0
Homer	2	Lillie	0
Hornbeck	1	Lisbon	0
Hosston	0	Livingston	1
Houma	121	Livonia	26
Ida	0	Lockport	9
Independence	0	Logansport	1
Iota	1	Longstreet	0

Iowa	2	Loreauville	0
Jackson	86	Lucky	0
Jamestown	0	Lutcher	3
Jeanerette	3	Mandeville	63
Jean Lafitte	0	Madisonville	0
Jena	9	Mamou	0
Jennings	7	Mansfield	2
Jonesboro	22	Mansura	0
Jonesville	2	Mangham	3
Many	1	Norwood	0
Marinqouin	0	Oak Grove	1
Marksville	16	Oak Ridge	0
Maurice	2	Oakdale	10
McNary	0	Oberlin	0
Mer Rouge	3	Oil City	5
Merryville	1	Olla	6
Metairie	2	Opelousas	84
Martin	0	Palmetto	2
Minden	3	Patterson	79
Melville	0	Pearl River	20
Mermentau	0	Parks	0
Monroe	117	Pineville	132
Montgomery	2	Pine Prairie	0
Montpelier	0	Pioneer	0
Mooringsport	0	Plain Dealing	0
Moreauville	1	Plaquemine	54
Morgan City	50	Plaucheville	0
Morganza	1	Pleasant Hill	0
Morse	0	Point A La Hache	0
Mound	0	Pollock	0

Mount Lebanon	0	Ponchatoula	96
Napoleonville	0	Port Allen	28
Natchez	0	Port Barre	12
Natchitoches	5	Port Vincent	8
New Iberia	262	Powhatan	0
New Llano	0	Provencal	0
N.O. City Park	1	Quitman	0
New Orleans Traffic	354	Rayne	0
New Roads	41	Rayville	3
Newellton	0	Reeves	0
Noble	0	Richmond	4
North Hodge	0	Richwood	16
Ridgecrest	0	Sterlington	2
Ringgold	1	Stonewall	0
Robeline	0	Sulphur	13
Rodessa	0	Sunset	2
Roseland	0	Sun	0
Rosepine	0	Tallulah	8
Ruston	32	Tangipahoa	0
Saline	0	Thibodaux	68
Sarepta	0	Tickfaw	43
Scott	187	Tullos	0
Shreveport	395	Turkey Creek	0
Shongaloo	0	Urania	0
Sibley	0	Varnado	0
Sicily Island	0	Vidalia	63
Sikes	0	Vienna	0
Simmesport	6	Ville Platte	1
Simpson	0	Vinton	0
Simsboro	0	Vivian	3

Slaughter	1	Walker	9
Slidell	306	Washington	0
Sorrento	17	Waterproof	0
South Mansfield	0	Welsh	5
Spearsville	0	West Lake	13
Springfield	8	West Monroe	62
Springhill	0	Westwego	323
St. Amant	0	White Castle	0
St. Bernard	0	Winnfield	17
St. Francisville	0	Wilson	2
St. Gabriel	10	Winnsboro	56
St. Joseph	0	Wisner	1
St. Martin	3	Woodworth	1
St. Martinville	27	Youngsville	11
Stanley	0	Zachary	27
Zwolle	0	McNeese	1
Baptist Christian	0	Metro Airport	2
Centenary College	0	N.O. Bapt Sem.	0
Delgado Comm.	0	Nicholls	0
Dillard University	0	UL of Monroe	14
DPS Capitol	30	Northwestern	0
EP Nunez Comm.	0	Our Lady Holy Cross	0
Grambling State U	5	St. Joseph Sem	0
Louisiana College	0	Southeastern	14
LSU-A	0	Southern U. B.R.	3
LSU-BR	102	Southern U. N.O.	0
LSU-Eunice	0	Southern U. Shrev.	0
LSU-Shreveport	0	Tulane University	0
LSU Med. N.O.	0	Tulane Medical	0
LSU Med. Shrev	2	Univ. of N.O.	0

La Tech Univ	2	USL (ULL)	36
Loyola University	0	Xavier University	0
		<b>Total</b>	<b>18097</b>

Source: Louisiana Department of Public Safety

\*Source for Baton Rouge City Impoundment Figures: Baton Rouge City Police



## **Insurance Fraud**

### ***A Price You Shouldn't Have to Pay!***

Each year, Louisiana policyholders pay approximately \$250.00 per family as a result of automobile insurance fraud (amount based on 1997 figure). In 1998, property and casualty insurance fraud was estimated to be \$21 billion, or 10 percent of claims. In the auto liability and physical damage sectors, estimations indicated that fraud accounts for 10 percent of losses, according to a 1996 study by Conning and Company.

The difficulty in fighting insurance fraud is in large part due to the lack of civil and criminal penalties. However, many states have now passed laws specifically defining the crime of insurance fraud. Some states are even implementing laws that raise insurance fraud from the level of a misdemeanor to a felony, increasing fines and providing prison sentences. Forty-four states currently have laws classifying insurance fraud as a felony and forty states currently have a fraud unit or fraud bureau, usually with the states department of insurance.<sup>66</sup>

The Coalition Against Insurance Fraud's recent survey of state insurance fraud bureaus showed state fraud bureaus in 1998 surpassed 1,800 convictions. This was the result of investigations initiated by the fraud bureaus. In 1995, only 663 convictions were recorded.<sup>67</sup> Fraud bureaus also received over 91,000 referrals or complaints of suspected fraud in 1998, compared to 87,020 in 1997. The number of cases presented to prosecutors in 1998 was 3,218, compared to 2,711 in 1997.<sup>68</sup>

In 2000, the Insurance Research Council conducted a poll to estimate the percentage of Americans who think it is acceptable to overstate insurance claims. The results were as follows:

- ❖ 24 percent of Americans think it is all right to overstate insurance claims to make up for premiums they have paid. 35 percent of Americans thought this practice was acceptable in 1997.

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<sup>66</sup> Source: Insurance Information Institute

<sup>67</sup> Source: Insurance Information Institute

<sup>68</sup> Source: Insurance Information Institute

- ❖ 51 percent of Americans age 18-29 believed it was acceptable to pad a claim to make up for the deductible.
- ❖ 39 percent of people in their 30's believed it was acceptable to pad a claim to make up for the deductible.
- ❖ 32 percent of people in the 40's believed it was acceptable to pad a claim to make up for the deductible.
- ❖ 25 percent of older respondents believed it was acceptable to pad a claim to make up for the deductible.

The Insurance Information Institute states that “one-third of all bodily injury claims for auto crashes contain some amount of fraud, but only 3 percent are totally fraudulent claims that result from deliberate scams such as ‘staged accidents’.”

Insurance companies have also stepped up in their fight against insurance fraud by implementing fraud control programs, anti-fraud public information programs and establishing special investigation units (SIUs) to investigate suspected fraud and train personnel.

### **The Critical Weapon: Public Awareness**

C.A.I.R.E. applauds Louisiana's state agencies' efforts to decrease insurance fraud in our state, as well as the insurance industry's efforts to eradicate fraud. Fighting automobile insurance fraud remains a critical issue when attempting to lower automobile insurance rates in the state. However, as C.A.I.R.E. has reported in the past, public awareness remains one of the most critical weapons in preventing automobile insurance fraud. Educating the public on the impact committing insurance fraud has on insurance premiums, and the impact the public's willingness to tolerate fraud has on their insurance premiums, will help to decrease the amount of fraud occurring in our society.

Table 30

<b>Louisiana Insurance Fraud Statistics Year 2000</b>	
Suspected Fraudulent Claim Reports	532
Auto-Related	320 or 60%

Source: Louisiana Department of Insurance, Fraud Division



# Insurance Verification

The past few years has brought about new laws that have helped in the struggle to lower automobile insurance in Louisiana. Over the past year, C.A.I.R.E. has researched many ideas regarding establishing a statewide insurance verification system.

## **What is an *insurance verification system*?**

An insurance verification system is a database system that would manage the state's automobile insurance policies in an effort to have a comprehensive tracking program.

## **Why do we need an *insurance verification system* in Louisiana?**

The system would provide an efficient solution to the growing problems dealing with automobile insurance verification issues in Louisiana. A database system that is consistently updated would assist state agencies, such as the Office of Motor Vehicles, the Department of Public Safety, and the Department of Insurance in assessing insurance-related information. It would maximize access, efficiency, and accuracy of data that would be collected directly from the insurance industry. The system would improve the role of law enforcement with its ability to relay direct, up-to-date information about the vehicle's insurance.

An insurance verification system would decrease automobile rates in Louisiana by reducing the amount of fraudulent activity and produce a quicker avenue to check a driver's proof of insurance. Louisiana citizens would no longer have a window of opportunity to drive without insurance.

During several C.A.I.R.E. meetings in 2000, the Council listened to law enforcement agencies, insurance representatives, technology companies, and consumer representatives discuss insurance verification ideas and issues.

Each insurance verification idea presented to C.A.I.R.E. had a unique way of combating the problem. The Council discussed each of these viable solutions and each idea has been summarized below.

### **NETLINX Telecommunications, LLC**

NetLinx's system puts a driver's information onto a compact disc. NetLinx found that Louisiana's objective for having a "Driver Insurance Verification" program are:

- 1) To implement a program that will allow law enforcement officials to verify the validity of a driver's insurance coverage.
- 2) To utilize a medium that is more effective than the current insurance card (paper), which can be easily modified.
- 3) Through the mechanism of the Insurance Verification program, the State of Louisiana would like to reduce current insurance fraud levels.
- 4) That any proposed program would afford the State of Louisiana the necessary security functions to protect the affected databases, while allowing the "authoring" parties of the database autonomous control.
- 5) The proposed solution must be cost-effective, easily updated, easy to administrate and capable of being utilized at the "point of need" (portable).

NetLinx has proposed to the State of Louisiana a program that consists of two components.

1. The first component is the *NetCard* (shown below).



The card can hold full catalogs, annual reports, insurance data, criminal data, etc. The NetCard is the convergence of the traditional style business card combined with the multimedia interactive capability of a CD-ROM and it can be easily carried in a purse or pocket. The

NetCard combines the strength of two powerful media: CD-ROM and the Internet.

2. The second component is the Operational Support (OSS) that would provide operational and functional capabilities to the program, and is referred to as NOCH (National Operations Clearing House).

### **How can the *NetCard* reduce auto insurance fraud?**

The card can be programmed individually, and can be used as an identification tool that supplements standard database querying techniques. Once the NetCard is inserted in the computer, it can display a picture of the owner, pictures of the automobile, VIN number, driving records, and updated proof of insurance information. Further information could be obtained by automatically linking to the municipality's database thereby verifying current status or other pertinent data about the individual.<sup>69</sup>

### **How would this help enforcement?**

An officer would place the card into a CD-ROM and would instantly know whether the insurance is valid on that vehicle. The officer would also have access to a driver's record and would have the confidence of knowing that the card cannot be reproduced or altered in any way.<sup>70</sup>

## **DESIGN SCAN**

Design Scan introduced their ideas for insurance verification, stating that their main objective is to use wireless portable/internet enabled barcode scanners for verification.

Design Scan was established two years ago to use barcodes on automobiles using a vehicle's VIN number as its compliance file number.

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<sup>69</sup> Source: NetLinx

<sup>70</sup> Source: NetLinx

### Design Scan's Goal:

- 1) Real Time Verification of Insurance Policy
- 2) Compliance of Mandatory Insurance Law
- 3) Eliminate Confrontation
- 4) Eliminate Road Block Check Points
- 5) Free Up Law Enforcement Time

### **How would barcode scanning be utilized?**

The system would utilize the VIN number on an individual's automobile and track it through a database. The network would cover approximately 90 percent of the state, leaving only the most remote areas of the state not linked to the network. If a motorist were in one of the network areas, law enforcement officers would be able to link into the network and scan the barcode to find out if the car is insured.

A motorist's information could be updated within one day if a customer drops their insurance and the insurance agency informs the database that the coverage has been dropped. Real-time information would also be available for this database. The barcode with the motorist's information would be placed on the inspection sticker that is non-transferable, unlike a license plate that is transferable.<sup>71</sup>

### **Technology**

Design Scan developed their system by using off-the-shelf equipment and hardware. A couple of devices such as the wireless scanner, a barcode printer, wireless radios, and hotspot servers (2 computers that have the ability to back themselves up so that they are running 99 percent of the time) would eliminate concerns people have about the computer system crashing. Bellsouth's wireless network, which is already widespread, would be used. The device also has the capability to print out a ticket or citation.<sup>72</sup>

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<sup>71</sup> Source: DesignScan, Presentation to C.A.I.R.E., August 24, 2000

<sup>72</sup> Source: DesignScan, Presentation to C.A.I.R.E., August 24, 2000

## Costs

The scanners range in price from \$2500 to \$4000. The only state that has a system that resembles Design Scan's effort is New York. New York uses a *Smart Card*, which resembles an individual's driver's license. The law enforcement officer scans the Smart Card like a credit card.<sup>73</sup>

### Color Coded Insurance Enforcement Aid System

A color-coded insurance enforcement aid system is a sticker that is color-coded to show proof of insurance without the need to stop a vehicle.

The sticker would display insurance information in plain site, in the same fashion that the license plate displays the current registration status of a vehicle, and the inspection sticker displays the mechanical soundness of a vehicle. This will minimize efforts for law enforcement to verify coverage on motor vehicles.

The Color Code System, with an expiration date, will also display the payment plan of the insured, to more efficiently target those who may have a lapse of coverage during the policy period. Below are two examples of the color-coded system.<sup>74</sup>



1. The insurance agent would issue the stickers to be placed above the inspection sticker or on the inside of the back window of each vehicle.

<sup>73</sup> Source: DesignScan, Presentation to C.A.I.R.E., August 24, 2000

<sup>74</sup> Source: Color-Coded Insurance Enforcement Aid System, Presentation to C.A.I.R.E., November 29, 2000



2. The sticker would be color-coded to reflect the insurance payment plan. For example, a green sticker would show an annual paid-in-full policy, blue would show a six month paid-in-full policy, yellow would show a 3 month paid-in-full policy, and red would show a month-to-month, monthly installment, and premium-financed policy.
3. Each color-coded sticker would have a number to correspond with the expiration month. The sticker will have an adhesive, which will void the sticker if tampered with, much like the present inspection stickers.

This system will provide convenience for the insured by eliminating time spent at insurance checkpoints. It will provide safety by allowing the insured to keep their eyes on the road, and not having to dig for their Insurance ID Card, providing safety for the driver of the vehicle and the law enforcement officers involved in the checkpoints.<sup>75</sup>

### **WorldCom** *Automated Vehicle Solutions*

WorldCom's Automated Vehicle Solutions division is fully orientated to the demands of government vehicle initiatives – currently managing the state mandated inspections of more than half of the vehicles in the nation's fleet that are subject to emissions inspection.<sup>76</sup>

WorldCom's comprehensive programs offer customers the flexibility of state-of-the-art, stand-alone solutions or integration into existing government mainframes and systems. The open system architecture for single-point solution integration and online, real-time applications in reduced timeframes allows data to be transmitted to a centralized location within minutes of a completed procedure.

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<sup>75</sup> Source: Color-Coded Insurance Enforcement Aid System, Presentation to C.A.I.R.E., November 29, 2000

<sup>76</sup> Source: WorldCom, Presentation to C.A.I.R.E., January 24, 2001

WorldCom's Automated Vehicle Solutions was created in 1994 to provide system integration, process and program efficiency solutions to government organizations. WorldCom's vertical market experts lead the industry in designing and implementing next generation technologies for automated Emissions, Safety Inspection, Insurance Verification, OBDII and other data intensive programs.<sup>77</sup>

WorldCom provides a fully integrated vehicle liability insurance verification system that provides the State agency with tools to verify vehicle insurance and allows the insurance industry the ease of submitting the critical policy information in a timely and reasonable manner assuring protection and confidentiality of the data.

WorldCom's comprehensive Insurance Verification program will provide Louisiana with the following:<sup>78</sup>

- ❖ Assisting in agency databases and systems in accessing insurance-related information in the processing of motor vehicle transactions and driver record information at State offices, as well as improve the role of enforcement.
- ❖ Maximize access, efficiency, and accuracy of data and the timeliness of information delivery while leveraging both the State's and the Insurance Industry's existing systems for cost effective long-term development and implementation with flexibility for future advancement.
- ❖ Reduce potential for insurance fraud through multiple electronic "check points" and support program enforcement goals through wireless, Internet, or Modem accessibility for state and law enforcement representatives.
- ❖ Progressive system architecture for single-point solution integration and real-time applications in reduced timeframes are trademarks of our programs.
- ❖ The latest in telecommunications expertise, managed networks, database administration, and system engineering combine to provide effective semi-customized *e*-Solutions.

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<sup>77</sup> Source: WorldCom, Presentation to C.A.I.R.E., January 24, 2001

<sup>78</sup> Source: WorldCom, Presentation to C.A.I.R.E., January 24, 2001

## **New York's Insurance Information & Enforcement System**

The New York Department of Insurance, along with the New York Department of Motor Vehicles, has successfully introduced a bar coding system called Insurance Information & Enforcement System (IIES). In 1997, Governor Pataki signed into law Chapter 678 requiring the establishment of an insured vehicle database to accurately identify uninsured vehicles. For the past several years, the two New York State departments have been working with the insurance industry and law enforcement to develop this system that will be used to implement the law. The purpose of the system is to ensure that all motor vehicles registered and driven in New York State have adequate motor vehicle insurance to protect individuals from damages that may occur from operating these motor vehicles.<sup>79</sup>

The Insurance Information and Enforcement System (IIES) is an online registry of motor vehicle insurance which is being established to accurately identify insured motor vehicles and by inference those that are uninsured. This registry will be available for the Superintendent of Insurance (Commissioner of Insurance), the Commissioner of Motor Vehicles, and state and local law enforcement the tools needed to ensure that only insured drivers operate in New York.

The main component of IIES is cryptographic bar coded insurance identification cards, which have been designed to eliminate insurance ID card fraud. All agents, brokers, agencies or companies that are licensed with the state Insurance Department are required by law to revise their ID card issuance process to include the use of a cryptographic 2D bar code. The New York Department of Motor Vehicles has developed a free software package that may be used to generate the cards.<sup>80</sup>

C.A.I.R.E. will monitor the progress of the New York Insurance Insurance and Enforcement System and how well the program addresses the problem of uninsured drivers and insurance fraud.

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<sup>79</sup> Source: New York Department of Insurance

<sup>80</sup> Source: New York Department of Insurance

## Pedestrians Are Putting Their Lives On The Street

Pedestrians are the second largest group of motor vehicle deaths, after occupants. There were 4,906 pedestrians killed in 1999, which is a 25 percent decrease from the previous decade. According to NHTSA, a pedestrian is killed in a traffic crash every 107 minutes. In 1999 alone, 85,000 pedestrians were injured in traffic crashes, making a pedestrian injured every 6 minutes.

The majority of pedestrian-related crashes occur in urban areas, at non-intersection locations, in normal weather, and usually at night. Seventy percent of pedestrian deaths were males, and fifty-two percent pedestrians 16 years and older killed at night had blood alcohol concentrations at or above 0.10. In 1999, 24% of children between the ages of 5 and 9 who were killed in a traffic crash were pedestrians, and 19% of fatalities involving a person under the age of 16 were pedestrians. People ages 70 and older represented 18% of all pedestrian deaths, and 6% of pedestrians injured.<sup>81</sup>

Table 31

<b>Pedestrians Killed by Age Group</b>			
<b>Age Group (years)</b>	<b>Total Killed</b>	<b>Pedestrians Killed</b>	<b>Percentage of Total Killed</b>
0-4	733	163	22
5-9	795	194	24
10-15	1,403	210	15
16-20	5,917	273	5
21-24	3,884	231	6
25-29	3,641	286	8
30-34	3,180	334	11
35-39	3,423	454	13
40-44	3,296	451	14

<sup>81</sup> Source: National Highway Traffic Safety Administration

45-49	2,702	382	14
50-54	2,206	310	14
55-59	1,814	271	15
60-64	1,421	212	15
65-69	1,471	208	14
70 +	5,617	876	16
Unknown	108	51	-
<b>Total</b>	<b>41,611</b>	<b>4,906</b>	<b>12</b>

Source: National Highway Traffic Safety Administration

Table 32

<b>Pedestrians Injured by Age Group</b>			
<b>Age Group (years)</b>	<b>Total Injured</b>	<b>Pedestrians Injured</b>	<b>Percentage of Total Injured</b>
0-4	76,000	3,000	4
5-9	112,000	10,000	9
10-15	185,000	14,000	8
16-20	574,000	8,000	1
21-24	315,000	4,000	1
25-29	331,000	7,000	2
30-34	296,000	7,000	2
35-39	288,000	5,000	2
40-44	237,000	6,000	2
45-49	211,000	5,000	3
50-54	170,000	4,000	2
55-59	115,000	2,000	2
60-64	78,000	2,000	3
65-69	75,000	3,000	4
70 +	171,000	5,000	3
<b>Total</b>	<b>3,236,000</b>	<b>85,000</b>	<b>3</b>

Source: National Highway Traffic Safety Administration

In Louisiana, there were 106 reported pedestrian fatalities in 1999, which accounts for 11.5% of traffic fatalities in the state.

Table 33

Pedestrians in the South			
State	Total Traffic Fatalities	Pedestrian Fatalities	Percent of Total
Alabama	1,138	86	7.6
Arkansas	604	41	6.8
Florida	2,918	487	16.7
Georgia	1,508	159	10.5
<b>Louisiana</b>	<b>924</b>	<b>106</b>	<b>11.5</b>
Mississippi	927	60	6.5
South Carolina	1,065	113	10.6
Tennessee	1,285	74	5.8
Texas	3,518	426	12.1

Source: National Highway Traffic Safety Administration

## The Fact Still Remains

Pedestrians are injured and losing their lives everyday, and there are simple answers to a few of the problems with pedestrians. Physical separations like overpasses, underpasses and barriers can reduce the problem. Warning signs and pavement markers at intersections can also help, and lower speed limits in high pedestrian areas can be effective. Drivers, simply, need to be more aware of pedestrians and take precautions when they are present.

## Recommendation

- ❖ C. A. I. R. E. recommends public awareness be increased making drivers more aware of pedestrians and pedestrians more aware of hazards.

## ***Stop!*** **You're On** **Red Light Camera**

Red light camera support continues to grow nationwide, due to the fact that red light running is a leading cause of urban crashes in America. It has been found that an equal number of people are injured or killed each year by drivers running traffic controls as there are by drunk drivers. Drivers running traffic controls cause approximately 22% of all urban crashes.<sup>82</sup> The cameras are set up so that they only photograph vehicles that enter the intersection after the signal has turned red. They do not photograph drivers who enter on yellow and are crossing while the light turns red.<sup>83</sup>

The red light cameras are finally gaining attention and support in the automated enforcement field. When red light cameras first hit the scene, skeptics argued about fairness and privacy. Resistance to the use of red light cameras has been declining, and the cameras are being utilized to fight the serious problem of red light running.

### **Red Light Camera Use**

The popularity of red light cameras continues to grow due to the fact that 37 cities across the United States are now utilizing these cameras. Washington D.C., Baltimore, New York, and Los Angeles are just a few of the major cities that have shown a decrease in the number of crashes since installing the cameras. In a recent study conducted by the Insurance Institute for Highway Safety of a program in Oxnard, California, showed that red light running violations dropped 42 percent after red light cameras were introduced at nine intersections. A similar study in Fairfax, Virginia showed a 40 percent decrease in red light running violations after only one year of camera enforcement.<sup>84</sup> Table 34 shows those states that permit the use of red light cameras.

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<sup>82</sup> Source: Howard County Dept. of Public Works, Bureau of Highways, Traffic Engineering Division

<sup>83</sup> Source: Insurance Institute for Highway Safety

<sup>84</sup> Source: Insurance Institute for Highway Safety

Table 34

<b>States Permitting the Use of Red Light Cameras</b>	
Arizona	Maryland
California	New York
Colorado	North Carolina
Delaware	Oregon
Hawaii	Virginia
Illinois	Washington
District of Columbia	

Source: Insurance Institute for Highway Safety

## Legislation

In order for red light cameras to be used, legislation must be passed. First, the laws must allow enforcement agencies to cite red light runners by mail. Second, the laws must make the owner of the vehicle responsible for the fine, with the assumption that the registered owner of the vehicle was also the driver at the time of the offense.

The twelve states that use red light cameras treat violations photographed by the cameras in one of two ways: as a traffic violation or as a violation equal to that of a parking ticket. In New York, red light running is treated like a parking violation, making the owner of the vehicle liable without concern with who was driving the vehicle at the time that the violation occurred. Virginia also treats red light running as a parking-type violation, but unlike New York, allows the owner of the vehicle to file an affidavit swearing that they were not driving the vehicle at the time of the violation, in order to avoid having to pay the fine.<sup>85</sup>

<sup>85</sup> Source: Insurance Institute for Highway Safety



## Public Opinion

Although red light cameras are expensive, costing \$50,000 per camera and an additional \$5,000 for installation and sensors, the public strongly supports their use. In a 1995 survey conducted by the Insurance Institute for Highway Safety, 66 percent of people polled were in favor of the use of red light cameras. The Insurance Research Council, in a survey conducted in 1996, found that 83 percent were in favor of the cameras.<sup>86</sup>

Red light cameras have received positive results, and have proven to be a method to deter drivers from running red lights. Studies indicate that the threat of a ticket and breaking the law, not the fear of a crash, is what prevents deliberate traffic violation. The use of red light cameras would instill this fear in drivers, and save lives at the same time.

## Recommendations

- ❖ C.A.I.R.E. supports the use of red light cameras, and would like Louisiana to benefit from their use. C.A.I.R.E. recommends that the state of Louisiana request a grant from by the Federal Highway Administration (FHWA) to acquire red light cameras so that their effectiveness can be tested in our state.
- ❖ C.A.I.R.E. recommends that a *Stop Red Light Running* campaign be conducted in order to increase public awareness of the problems associated with red light running.

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<sup>86</sup> Source: Insurance Institute for Highway Safety

## Louisiana's Primary Seat Belt Usage Law

### *Making a Difference in Louisiana!*

Seat belt usage in Louisiana is on the rise, according to a recent survey conducted by the Louisiana Highway Safety Commission (LHSC). Louisiana increased its safety belt use by 1.2 percentage points from 1999, bringing the new average up to 68.2%.

The safety restraint usage data was collected by observing drivers in 839 locations, in eight different regions throughout the state. During this observation time, 61,594 drivers and front seat passengers were observed, according to LHSC. The observations were then categorized based on the type of vehicle: automobile, light truck (including pick-up trucks and sports utility vehicles) and vans.<sup>87</sup>

Table 35

#### Number of Observations (Unweighted) Made In Louisiana, 2000 By Region and Vehicle Type and Safety Belt Use

<u>REGION</u>	<u>AUTO</u>		<u>LIGHT TRUCK</u>		<u>VAN</u>		<u>AUTO</u>	<u>TOTAL</u>		<u>TOTAL</u>
	<u>YES</u>	<u>NO</u>	<u>YES</u>	<u>NO</u>	<u>YES</u>	<u>NO</u>		<u>LT. TRUCK</u>	<u>VAN</u>	<u>ALL</u>
1	5028	2444	2711	1707	1128	526	7472	4418	1654	13544
2	4246	1917	2659	1589	827	363	6163	4248	1190	11601
3	2772	1239	2048	1070	461	208	4011	3118	669	7798
4	1902	726	1730	796	264	121	2628	2526	385	5539
5	1921	560	1671	676	310	79	2481	2347	389	5217
6	1937	640	1519	567	263	73	2377	2086	336	4999
7	2443	849	1885	1108	470	148	3292	2993	618	6903
8	2157	817	1573	985	358	103	2974	2558	461	5993
<b>Louisiana</b>	<b>22406</b>	<b>9192</b>	<b>15796</b>	<b>8498</b>	<b>4081</b>	<b>1621</b>	<b>31598</b>	<b>24294</b>	<b>5702</b>	<b>61594</b>

Source: Louisiana Highway Safety Commission

<sup>87</sup> Source: Louisiana Highway Safety Commission, *Louisiana Safety Restraint Use Observation Survey Procedures and 2000 Results*

Usage rates varied from vehicle type to vehicle type. Occupants in vans had a 72.8 % compliance, while occupants in light trucks had a 64.5% compliance rate. In seven of the eight regions, safety belt usage among light truck occupants exceeds 60%. Of all the vehicle types, light truck occupants restraint usage increased the greatest – 2.9 percentage points from last year. Restraint use by automobile occupants increased by 0.1 percentage point, while usage among van occupants increased 2.1 percentage points.<sup>88</sup>

## **Damage Reduction**

Seventeen states (Alaska, Arizona, California, Colorado, Florida, Iowa, Kentucky, Michigan, Missouri, Nebraska, New Jersey, New York, North Dakota, Ohio, Oregon, West Virginia, and Wisconsin) in the U. S. allow damage reduction for not wearing seat belts. In other words, a person's collection for damages received in a crash can be reduced if that person was not wearing his/her seat belt during the time of a crash. The reduction is permitted for only the injuries received for nonuse of a seat belt. Each state is responsible for setting its own damage reduction percentage, and the reduction cannot exceed the fixed percentage.<sup>89</sup>

Wisconsin's damage reduction law allows a maximum of 15% damage reduction, and Missouri allows for a maximum of only 1%. In Iowa, Michigan and Nebraska, the damage reduction may not exceed 5%. Collections may be reduced for only pain and suffering, not economic or medical losses in Colorado. West Virginia has a 5 % reduction on awards received for medical expenses only.

## **Occupant Protection**

Forty-nine states (all except New Hampshire), and the District of Columbia have mandatory seat belt laws. In most of these states, these laws apply to front seat occupants only, but twelve jurisdictions (Alaska, California, District of Columbia, Kentucky, Maine, Massachusetts, Montana, Nevada, Oregon, Rhode Island, Vermont, and Washington) have laws that cover all rear seat occupants, too. Laws that require seat belt use for all

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<sup>88</sup> Source: Louisiana Highway Safety Commission, *Louisiana Safety Restraint Use Observation Survey Procedures and 2000 Results*

<sup>89</sup> Source: Insurance Institute for Highway Safety

occupants do not, however, make the driver liable for passenger compliance.<sup>90</sup>

Alaska's seat belt law states that the person convicted of a violation or found guilty on an infraction, may be fined up to \$15 or the court may waive the fine if the person convicted donates \$15 to the Emergency Medical Services entity providing services in the area in which the citation occurred.

The state of Maine also requires all passengers to wear seat belts, and makes all persons 18 years and older responsible for complying with the law. The fine for committing such an infraction is not less than \$25, and not more than \$50. Maine's law states that an occupant cannot be fined unless the driver of the vehicle has been detained for some other reason, thus making their occupant seat belt law a secondary law. Maine also made provisions for occupants who are unable to wear a seat belt for medical reasons. These persons must have a certificate from their physician stating their medical condition. The certificate is valid for 5 years.<sup>91</sup>

### **What Are Other States With Occupant Seat Belt Laws Doing?**<sup>92</sup>

**California, District of Columbia, and Oregon** require that all occupants 16 years and older be restrained by a standard seat belt. There is a fine of \$25 for noncompliance in California, a \$50 fine in the District of Columbia, and a \$75 fine in Oregon. California also allows damage reduction when a person is injured in an crash and is not wearing his/her seat belt.

**Kentucky** requires that all occupants 40 inches or more be in a standard seat belt. There is a \$25 fine for noncompliance, and damage reduction for anyone not wearing a seat belt.

**Massachusetts** requires occupants 12 years and older to be restrained in a standard seat belt. If a driver is caught not wearing his/her seat belt, there is a \$25 fine, and a driver will be fined \$25 for each passenger 12 to 16 years of age who are unrestrained.

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<sup>90</sup> Source: National Highway Traffic Safety Administration

<sup>91</sup> Source: Title 29-A: Motor Vehicles, Section 2081. Use of safety seat belts, State of Maine

<sup>92</sup> Source: Insurance Institute for Highway Safety

**Montana** passed laws requiring that all passengers 4 years and older be restrained in a seat belt, with a fine of \$20 for noncompliance.

**Nevada** requires all passengers 5 years and older to wear a seat belt, with a \$25 fine for noncompliance.

**Rhode Island** requires that all passengers 6 years and older wear seat belts. There is a \$30 fine for noncompliance. The seat belt law is secondary in Rhode Island, unless an officer observes a passenger 13 years or younger not restrained, then that officer can pull the vehicle over and cite them for not complying with the seat belt law.

**Vermont** requires that all passengers 13 years and older wear seat belts. Their fine for noncompliance is \$10.

**Washington** requires that passengers of all ages wear seat belts. The fine for noncompliance is \$35.

Table 36

Southern States Seat Belt Usage and Fines				
State	Standard Enforcement	Who is covered? In what seat ?	Maximum fine 1 <sup>st</sup> offense	Damage is reduced for Non-use ?
Alabama	Yes	6 + years in front seat	\$25	No
Arkansas	No	5 + years in front seat	\$25*	No
Florida	No	6 + years in front seat; 6 through 15 years in rear seat	\$36	Yes
Georgia	Yes	4 through 17 years in rear seat	\$15**	No
Mississippi	No (children – Yes)	4 through 7 years in all seats; 8 + years in front seat	\$25	No
South Carolina	No	6 + years in front seat; 6 + years in rear seat with shoulder belt	\$10	No
Tennessee	No	13 + years in front seat	\$10	No
Texas	Yes	4 + years in front seat; 4 through 14 years in rear seat	\$50	No

Source: Insurance Institute for Highway Safety

\*Assess points for violations, and rewards belt use by reducing the fine for the primary violation by \$10. \*\*The maximum fine is \$25 if the child is 5-17 years of age.

## **The Bottom Line**

NHTSA reported that if all passengers over the age of 4 were required to wear seat belts, nationwide, 9,553 additional lives would have been saved last year alone. It is a known fact that seat belts save lives, now Louisiana needs to start saving the lives of back seat occupants.

## **Recommendation**

- ❖ C. A. I. R. E. supports legislation that would require **all** passengers to wear their seat belts at all times.

### **90% Seat Belt Use How Elmira, New York Got Their Citizens to Buckle Up**

In Elmira, New York, a Selective Traffic Enforcement Program (STEP) was conducted in order to raise their seat belt usage from 63% to a staggering 90%, which was maintained for 3 weeks. According to officials in Elmira, the key to the STEP is intensive enforcement and publicity during one specific time period.

STEPs are short and to the point, therefore planning and coordination are very important. The Selective Traffic Enforcement Program that was implemented in Elmira consisted of five steps.

## **STEP ONE**

### **Community Ownership, Planning and Coordination**

- First, identify the community where the STEP will be conducted and set a seat belt usage goal. Make sure that everyone in that community will be reached by the program, and make sure that a strong coalition of enforcement and community agencies will be assembled. It is also very important to saturate the media with the STEP. Enforcement

officials from all local agencies need to serve as a spokesperson for STEP in order to really drive the message home.

- Use existing resources within local police or highway safety organizations to develop a theme, produce media materials and place ads. The STEP must be an information officer or public relations specialist's top priority.
- Lastly, get community support. Obtain cooperation of public officials, civic and public organizations, private industry, and educational groups. This aspect is essential.

## **STEP TWO**

### **Publicity with a Direct Enforcement Message**

- In the first week of the STEP, send a “wake up” call to the community by putting out street banners with the program theme, put up posters, pass out flyers, and even put magnetic signs on police cars saying, “We Enforce Seat Belts”. Also, place feedback signs at major intersections that display running tallies of current seat belt use rates and the record high use rate. The first week should also consist of lots of radio and newspaper advertising. Large ads should be placed in the newspaper that should give updates on how the STEP is doing and the new tallies of seat belt use. Radio spots should be played during times when most people are in their cars.
- Next, hold a news conference that involves local government officials and all participating enforcement agencies in order to inform the community about the program. Really announce the STEP, and tell everyone that more tickets will be given for not buckling up. The message should also say that there would be strong enforcement on the roads making sure that citizens are buckling up.
- Toward the end of the STEP, have the media summarize all the events of the STEP, giving information on the amount of tickets that were written, and focus on the belt usage rate goal.



## **STEP THREE**

### **No-Excuses Enforcement Is the Key to Success**

- A successful STEP will only occur if motorists know that they will get a ticket for not buckling up. No warnings can be given in place of a ticket or excuses accepted.
- Make enforcement visible. All motorists should have an encounter with some type of enforcement during the STEP. Not only does enforcement need to be enhanced, but the public's perception of intense enforcement should also increase. One method of achieving this is by having highly advertised and visible seat belt checkpoints that involve several enforcement agencies, thus making it known that the STEP is a community project.
- While all of this is going on, the public should still be informed on how the program is working. Keep the tallies current and make them as public as possible.

## **STEP FOUR**

### **Tracking and Reporting the Progress of Your STEP**

- Tracking and reporting progress is imperative to any STEP. By reporting the progress, the public's awareness will be raised, and the STEP will be more effective.
- In Elmira, there was a 90% awareness of the seat belt program. 77% of the public thought that enforcement "very strictly" increased; this was a jump from the 34% before the program began. By week 3, it was reported that 61% of the public had gone through at least one checkpoint. 79% of the population said they approved of the STEP.

## **STEP FIVE**

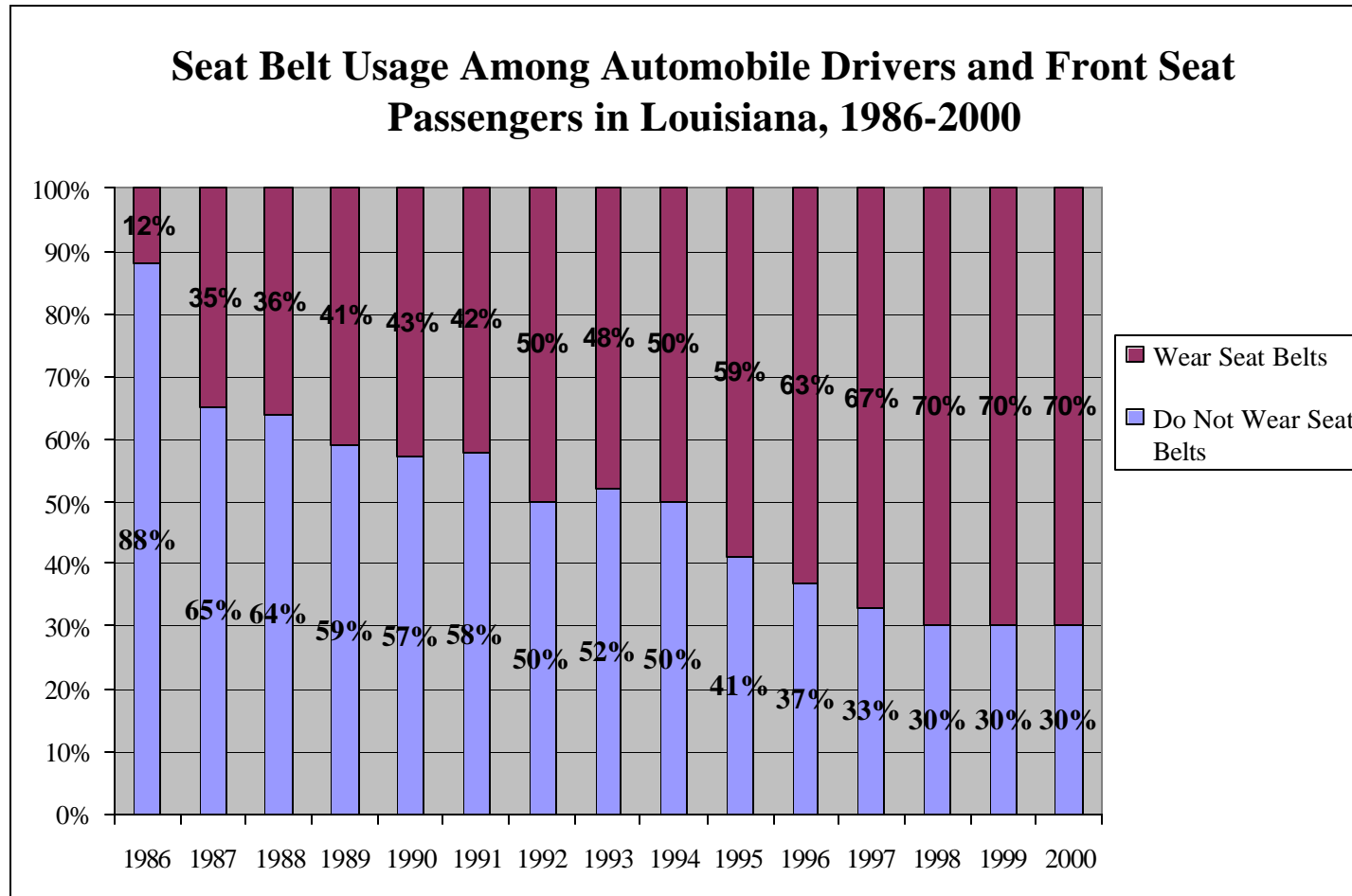
### **Final Stage**

- Tabulate the results and make sure that they are distributed to the media within a week.
- Send out a 0press release detailing the results of the STEP.
- Do not forget to congratulate the public on making the STEP a success.

### **Conclusion**

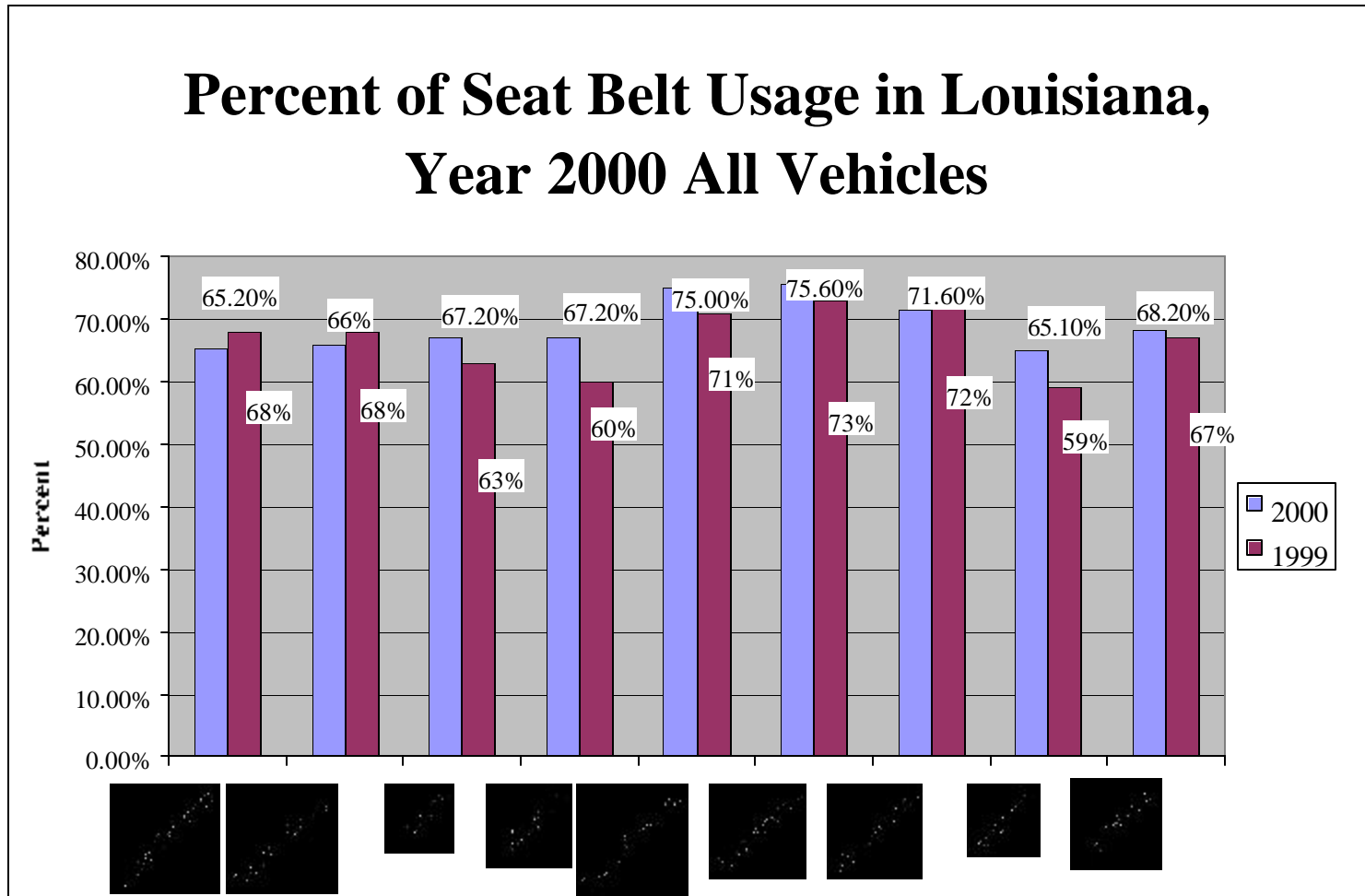
Elmira, New York is a medium size community that was able to get their seat belt usage rate up to 90%. They claim that any city or area can get the same results, if they follow their program model and take all five steps. The STEP does take manpower and man-hours, but its results are lifesaving!

Chart 3



Source: Louisiana Highway Safety Commission

Chart 4



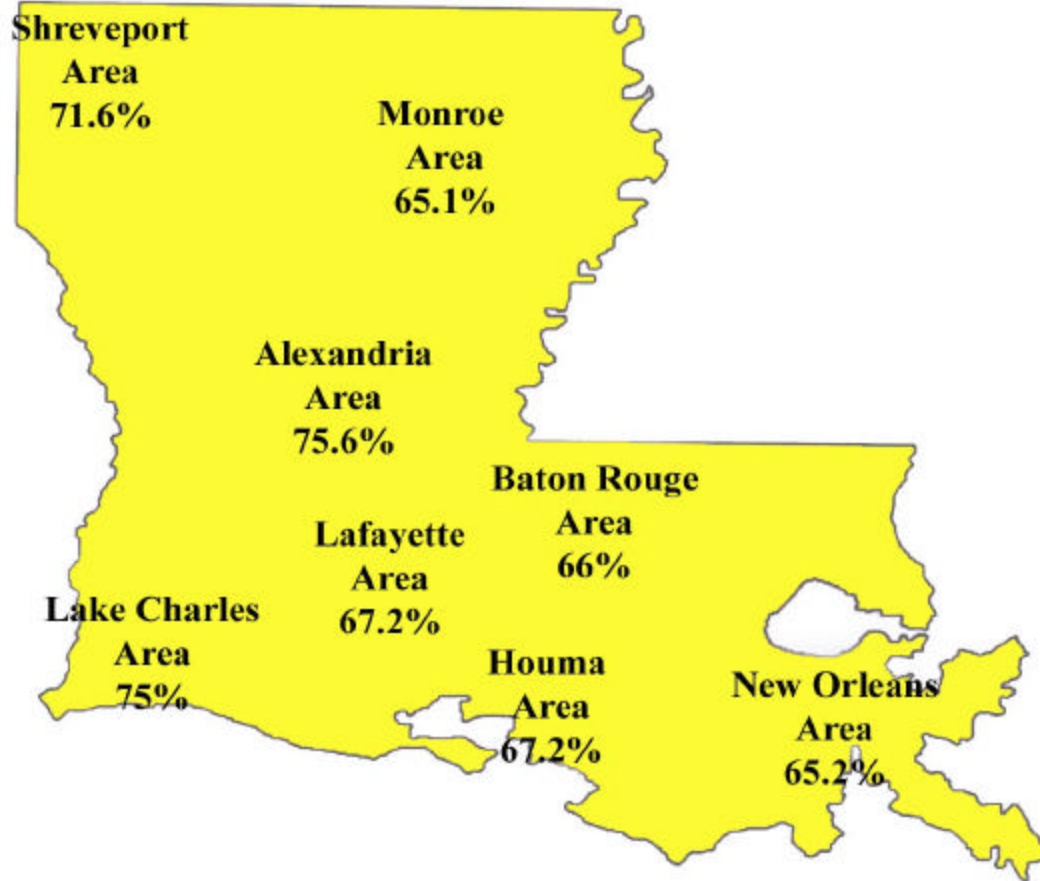
Source: Louisiana Highway Safety Commission





# Seat Belt Compliance Around the State

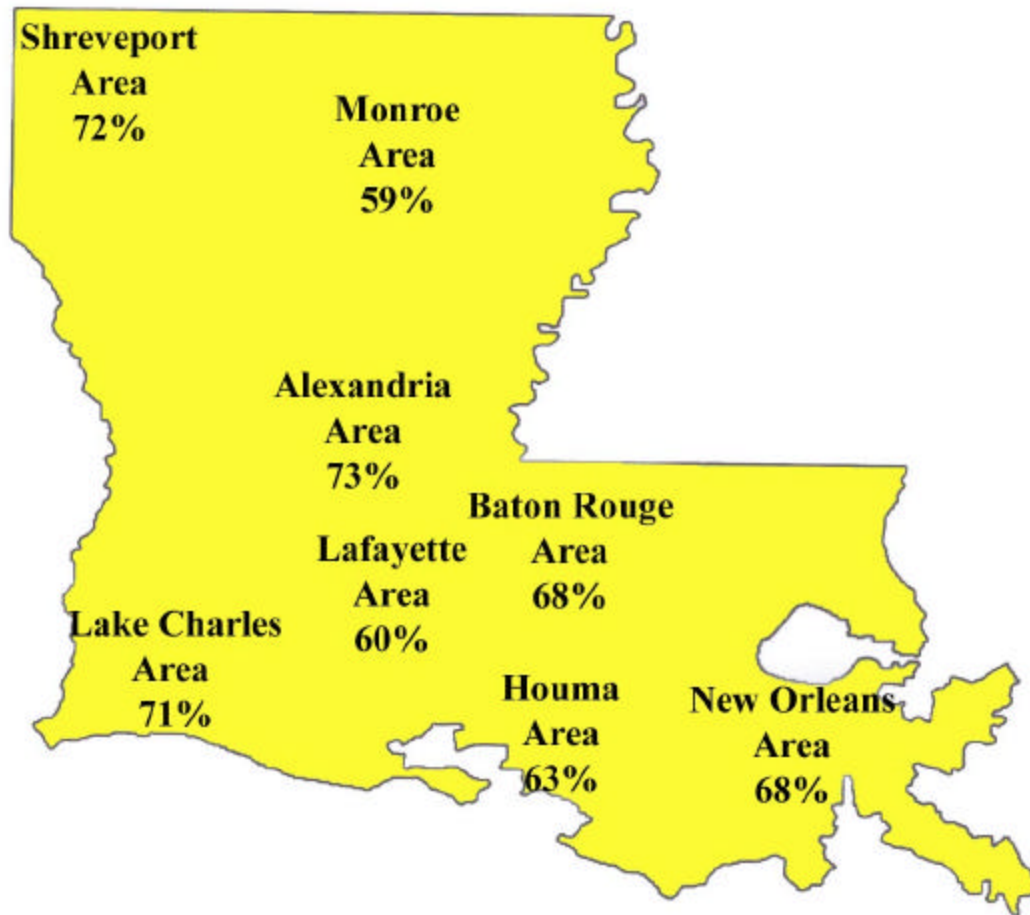
2000



Source: Louisiana Highway Safety Commission

# Seat Belt Compliance Around the State

1999



Source: Louisiana Highway Safety Commission







## **Uninsured Motorists**

### ***Louisiana's Uninsured Population on the Decline***

“The chances are about 14 in 100 that, if an insured car occupant is injured in an automobile crash in the United States, an uninsured motorist caused the accident.”<sup>93</sup>

According to the report, Uninsured Motorists, 2000, the IRC reports that Louisiana's uninsured population is at 8%. The uninsured driver proportion was calculated by using the ratio of claims by individuals who were injured by uninsured drivers to claims by individuals injured by insured drivers.<sup>94</sup>

The Department of Insurance, however, calculates the number of uninsured drivers differently, by using the number of vehicle registrations with the number of new insurance policies issued. By using this method of calculation, the Department of Insurance estimates there are approximately 22% uninsured motorists on Louisiana's roads and highways. Although the 8% percent figure is encouraging, “zero is supposed to be the number.”<sup>95</sup>

Tables 37 and 38 show the states with the highest and lowest uninsured driver estimates. The good news is that Louisiana is not in the top five for the highest uninsured driver estimates; but Louisiana is also not in the top five for the lowest uninsured driver estimates. However, Louisiana has made considerable progress over the past several years.

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<sup>93</sup> Source: Insurance Research Council

<sup>94</sup> Source: Insurance Research Council

<sup>95</sup> Source: Quote from Acting Commissioner of Insurance J. Robert Wooley

Table 37

<b>Top Five States with the Highest Uninsured Driver Estimate: 1995-1997</b>	
Colorado	32%
New Mexico	30%
South Carolina	28%
Alabama	25%
Mississippi	25%

Source: Insurance Research Council, "Uninsured Motorists, 2000"

Table 38

<b>Top Five States with the Lowest Uninsured Driver Estimate: 1995-1997</b>	
Maine	4%
North Carolina	6%
South Dakota	6%
Massachusetts	7%
Wyoming	7%

Source: Insurance Research Council, "Uninsured Motorists, 2000"

Table 39

<b>How The Southern States Rank Uninsured Motorist Estimates 1995-1997</b>	
<b>State</b>	<b>Percent</b>
Alabama	25%
Arkansas	11%
Florida	20%
Georgia	13%
<b>Louisiana</b>	<b>8%</b>
Mississippi	25%
South Carolina	28%
Tennessee	18%
Texas	18%

Source: Insurance Research Council, "Uninsured Motorists, 2000"

## **Other Findings**

Within the states, the IRC study found wide variations such as uninsured motorist claim frequencies and loss costs were consistently much higher in larger cities than in more rural areas. In most states, the largest urban area usually had the highest uninsured motorist claim frequency, ratio of uninsured motorists to bodily injury claim frequencies, and average uninsured motorist loss costs.<sup>96</sup>

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<sup>96</sup> Source: Insurance Research Council

## **Conclusion**

C.A.I.R.E. will persist in researching new methods to lower automobile insurance rates for Louisiana drivers. Although the battle continues, progress has been made over the past few years with the passage of laws, such as “No Pay, No Play”, automobile impoundment, primary seat belt, and DWI laws. C.A.I.R.E. supports these laws and believes that with proper enforcement and education, an impact will be seen upon auto insurance rates. Since 1997, insurance rates have decreased and leveled.

Throughout the next year, C.A.I.R.E. will continue to study the topics discussed in this report, as well as researching and studying new issues C.A.I.R.E. believes will impact automobile insurance rates in Louisiana.

# APPENDIX

## Appendix I

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### Louisiana Revised Statute 22:15

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#### **Sec. 15. Council on Automobile Insurance Rates and Enforcement**

A. The legislature hereby creates the Council on Automobile Insurance Rates and Enforcement within the Louisiana Department of Insurance to undertake a comprehensive study and provide oversight and enforcement recommendations on a continuing basis of the effectiveness of law enforcement and implementation of programs aimed at enforcement in the various parishes of those laws and programs which effect automobile insurance rates.

B. (1) The council shall consist of the following members.

- (a) The governor or his designee.
- (b) The superintendent of state police or his designee.
- (c) The assistant secretary of the Department of Public Safety, office of motor vehicles, or his designee.
- (d) The attorney general or his designee.
- (e) The president of the Louisiana Association of Chiefs of Police or his designee.
- (f) The president of District Attorneys Association or his designee.
- (g) The president of the Sheriffs Association or his designee.
- (h) The chairperson of the Louisiana Insurance Rating Commission or his designee.
- (i) Two members of the House Committee on Insurance selected by its chairman.
- (j) Two members of the Senate Committee on Insurance selected by its chairman.
- (k) One consumer representative selected by the speaker of the House of Representatives.
- (l) One consumer representative selected by the president of the Senate.

(2) The commissioner of insurance or his designee shall serve ex officio on the council, and the commissioner shall appoint a chairperson and vice chairperson.

(3) The members of the council shall serve without compensation, and their terms shall be for two years.

(4) Any vacancies on the council shall be filled in the same manner as the original appointments for the unexpired portion of the term of the vacated appointment.

(5) A majority of the members of the council shall constitute a quorum for the transaction of business. All official actions of the council shall require the affirmative vote of a majority of the members of the council present and voting during meetings of the council. The council shall meet quarterly in any one calendar year and may meet on the call of the chairperson or upon the request of any three members.

C. (1) The council shall submit to the governor, the Louisiana Legislature, and the commissioner of insurance on an annual basis prior to the convening of each regular legislative session an annual report on their actions, studies, findings, and recommendations of those laws and projects affecting automobile insurance rates.

(2)(a) The council shall conduct all meetings and hearings, in accordance with R.S. 42:4.1 et seq., the receive testimony about that information it is charged with gathering. The council shall also be permitted to receive further information and testimony from regional and national experts on insurance rating issues. The council shall study ways to give incentives to those communities that have a greater enforcement rate over laws that directly or indirectly affect insurance rates in that community and state.

(b) All state and local agencies and political subdivisions shall cooperate with the council and assist it in the gathering of information when requested. All materials in the possession or control of the council or its employees shall be considered public records pursuant to R.S. 44:1 et seq.

D. The commissioner of insurance may employ such persons, including experts, as necessary to carry out the provisions of this Section and may establish the compensation of technical, professional, and clerical employees as needed for the council to accomplish its work. Any such employee shall be compensated from the budget of the commissioner. All employees of the council shall be under the direction and supervision of the commissioner of insurance.



## APPENDIX 2

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### Summary of Recommendations

- ❖ Louisiana study the possibility of implementing a low cost automobile insurance pilot program in an area of the state (i.e. New Orleans) to provide coverage to those unable to obtain coverage in the private market due to their driving records or other extraordinary circumstances.
- ❖ U.S. Interactive's Defensive Driving Course implement a pilot program in an area of the state and study its effectiveness over several years.
- ❖ Support the creation of a task force to study the issue of safety and driver distractions.
- ❖ Encourage that records be kept on the use of cellular telephones during a crash as part of the crash investigation process.
- ❖ Encourages law enforcement officials to note cellular telephone use for moving violations (i.e. speeding). Such information could be used to note driver-vehicle behavior.
- ❖ Louisiana strengthen the legal definition of drunk driving by changing the standard from 0.10 BAC to 0.08 BAC.
- ❖ Encourages strict enforcement of the minimum drinking age law and continued education of the deadly consequences associated with drinking and driving to youth and their parents.
- ❖ Modify the DWI law to lower the limit of intoxication for repeat DWI offenders. The current limit is 0.10 BAC, the same as for first-time offenders.
- ❖ The Louisiana Legislature should strongly consider revisiting the issue of open containers, including making existing open container laws in the state uniform or implementing a statewide open container law
- ❖ Modify the DWI law to incorporate drugged driving.

- ❖ Louisiana provide larger road signs at predominately heavy crash intersections.
- ❖ Louisiana law mandate that children 12 years and younger wear helmets while riding a bicycle.
- ❖ All law enforcement agencies enforce the automobile impoundment law.
- ❖ Public awareness be increased making drivers more aware of pedestrians and pedestrians more aware of hazards.
- ❖ Support the use of red light cameras by requesting a grant from the FHWA to acquire red light cameras so that their effectiveness can be tested in Louisiana.
- ❖ *Stop Red Light Running* campaign be conducted in order to increase public awareness of the problems associated with red light running.
- ❖ Support legislation that requires all passengers to wear their seat belts at all times.

